

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi.
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi
Phone-011-23216002-04, Telefax: 011-23216005,
Email: comdis.delhi@nic.in

[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 1268/1031/2019/11 / 8488 - 8490

Dated: 27/11/2019

In the matter of:

Sh. Dipak Bhandari F/O Master Wrik Bhandari,
Email ID: dipak200431@gmail.com

....Complainant

Versus

The Principal,
Green Field School (GFS),
Alaknanda, South Delhi-110019.

..... Respondent No. 1

The Director
Directorate of Education,
Govt. of NCT of Delhi,
Old Sectt., Delhi-110054.

..... Respondent No. 2

Date of hearing: 27.11.2019

Present: Ms. Meena Mehta, Head Mistress, Ms. Vijay Laxmi, LDC on
behalf of respondent No. 1.
Dr. Shamshad Ali, DDE Zone, 29 on behalf of respondent
No. 2.

ORDER

The above named complainant vide his email dated 23.10.2019
informed that his son Wrik Bhandari who is a child with 70% Autism
Spectrum Disorder (ASD) was selected for admission through
Directorate of Education in DG/EWS category for New Green Field

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School, Alaknanda, South Delhi for nursery class. He approached the school and explained them that his son is having Autism Spectrum Disorder. The school authorities informed him that they do not have sufficient facilities for children with ASD and they do not have a special education teacher. They gave him so many excuses. Therefore, he doubted the intension of the school to admit his son.

2. Complaint was taken up with the respondents vide Show-Cause-Cum-Hearing Notice dated 06.11.2019 under the Rights of Persons with Disabilities Act, 2016 hereinafter taken as the Act. The respondents were directed to show cause why Master Wrik Bhandari should not be admitted in the Green Field School and has been provided with all the facilities to ensure quality education of the child in question on equal basis with other children and to submit their versions of the case. They were also directed to indicate what measures were proposed to be taken to ensure quality education of the child, his safety and well being in a congenial environment within 10 days of receipt of the notice. If the same was not done, it was decided to hold a hearing on 27.11.2019.

3. Principal, Green Field School, Alaknanda vide her reply dated 20.11.2019 submitted as under:

1. *Master Wrik Bhandari was allotted to our school in Nursery / Pre-School by the Directorate of Education, despite the fact that he is overage for Nursery Class.*

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2. Mr. Dipak Bhandari, F/o Master Wrik Bhandari came to School for admission of his son. In our banafide verbal discussions with him, we had conveyed that we have special educator, but she is not specialist in Autism Spectrum Disorder (ASD). Mr. Dipak Bhandari left the school without taking admission and conveyed that he would come for admission shortly. At no point of time we have denied admission to Master Wrik Bhandari.

3. We have telephoned to Sh. Dipak Bhandari three times for admission fo Master Wrik Bhandari. In out last conversation with him on 15.11.2019 he conveyed his intention for not taking admission with out school.

4. The set for admission is still vacant for admission of Master Wrik Bhandari and he is welcome for that.

5. We are inclined to provide quality education to all out student without any discrimination and are ready to provide reasonable accommodation according to the individual's requirements.


We again reiterate that we have never denied admission to Master Wrik Bhandari and he is welcome for that.

Thanking you,

Yours faithfully,
Principal"

4. A copy of the said reply was marked to the complainant and this Court also sent the same to him through email dated 08.11.2019.

5. No rejoinder as directed vide SCN dated 06.11.2019 has been received from the complainant.


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6. On the date of hearing on 27.11.2019, Dr. Shamshad Ali, Dy. Director of Education, South East/Zone-29 vide status report dated 26.11.2019 has submitted that as per the version of the school authorities, Sh. Dipak Bhandari was informed that the school has a special educator but she is not specialised in ASD. The complainant left the school without admitting his son. Although he conveyed that he would come back for admission, yet he did not return. Further at no point of time the school denied admission to Master Wrik Bhandari. The school also tried to contact Sh. Dipak Bhandari. But he did not go back to the school to admit his son. The seat is still vacant and the school is ready to admit the child. Dr. Shamshad Ali added that the complainant did not approach him for any assistance. He also stated that the schools are allocated to the children with disabilities for admission by the Private School Branch of Directorate of Education. Any change of school can therefore, be done by that branch only.

7. Ms. Meena Mehta, Head Mistress, appeared on behalf of respondent No.1 and reiterated the written submissions and informed that Sh. Dipak Bhandari has still not approached the school.

8. This Court also tried to contact the complainant during the hearing on his given mobile number i.e. 9968755451 but his phone was not reachable.

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9. In view of the facts stated above, the complaint is disposed of and closed. However, the important issue that a child with disability should be allocated for admission to a school that has the relevant facilities to ensure quality education on equal basis with others as envisages in Section 16 & 17 of the Act in an inclusive setting, needs to be addressed by the Directorate of Education. In this regard, this Court has already given its recommendations vide order dated 23.07.2019 in Case No.815/1032/2019/03/3998-3670 in the matter of Sh. Ashwani Porwal versus Principal, Jindal Public Shool and Directorate of Education. In the said case it has been recommended among other things that **until all the schools become fully inclusive, allocation of children with disabilities should be done based on a mapping of availability of relevant facilities in the schools.** This may be kept in view while allocating the school to a child with disability in the forth-coming session 2020-21.

10. The complaint is disposed of.

11. Given under my hand and seal of the Court this 27th day of November, 2019.




(T.D. Dhariyal)

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