

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-2
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]

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Case No.1072/1031/2019/08/ 6070-6071

Dated: 25/09/2019

In the matter of:

Sh. George Abraham,
CEO, Score Foundation,
17/107, LGF, Vikram Vihar,
Lajpat Nagar-4, New Delhi-110024.
Email ID: George@eyeway.org

.....Complainant

Versus

The Director,
Directorate of Education, GNCTD
Old Secretariat, Delhi-110054

.....Respondent

ORDER

Sh. George Abraham, CEO, Score Foundation, New Delhi vide his email dated 16.08.2019 informed that Master Indrajeet Kashyap, a 16 year old person with blindness was trying to get admission in various schools of Delhi Government such as Sarvodaya Bal Bharti Public School, Burari, Sarvodaya Bal Vidyalaya, Shahdara and Govt. Boys Senior Secondary School, Nathu Pura since the beginning of the academic session 2019-20. None of the schools has so far admitted him due to some unwarranted reasons. Master Indrajeet Kashyap also faced various uninspiring and confidence effacing behavior by some officials and was treated unfairly in the admission office security guards etc. He was made to feel ineligible for education due to his visual impairment. He alleged violation of article 29(2) of the Constitution, Section 3 of the Right of Children to Free and Compulsory Education Act, 2009 and Section 16 and 31 of the Rights of Persons with

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Disabilities Act, 2016. He requested to look into the matter at the earliest and restore the right to education to Master Indrajeet Kashyap.

2. The complaint was taken up with the respondent vide showcause-cum-hearing notice dated 20.08.2019 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act. The respondent was directed to showcause why Master Indrajeet Kashyap should not be admitted in a school of his choice within 7 days of receipt of the notice. A hearing was also scheduled on 23.09.2019.

3. Deputy Director, Education, IED vide email dated 20.09.2019 addressed to the complainant with a copy to this court informed that in the Government Schools of Directorate of Education, non-denial policy with regard to admission of Children with Disabilities is being followed. Accordingly, the Head of Schools of Govt. Sarvodaya Bal Vidyalaya, Shahdara; Govt. Sarvodaya Bal Vidyalaya, Burari & Govt. Boys Senior Secondary School, Nathu Pura have been asked to give admission to Master Indrajeet Kashyap. The said schools have assured that admission will not be denied. It has also been stated that if the parents of the child face any difficulty during the admission process, they may approach O/o the Deputy Director of Education, Inclusive Education Branch, Directorate of Education, GNCTD, behind Lady Sri Ram College, Lajpat Nagar-IV, New Delhi-110024, from Monday to Friday anywhere between 09.30 AM to 06.00 PM. Sh. Ajay Kumar, Coordinator, Inclusive Education, Directorate of Education also contacted about the matter.

4. Sh. George Abraham, who was contacted on telephone during the hearing informed that Master Indrajeet Kashyap has since been admitted in Govt. Sarvodaya Bal Vidyalaya, Shahdara and Score Foundation has arranged some support for his admission etc. and he is staying in a private hostel in Shahdara.

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5. Sh. Abraham, however pointed out that the experience of Master Indrajeet Kashyap in different schools mentioned in his email reveals that despite a very progressive legislation as well as the policy of the Government/Directorate of Education, the situation on ground needs a lot of improvement. For example, nobody in the schools he visited at Burari and Nathu Pura etc. introduced himself/herself to Master Indrajeet Kashyap, who is a person with blindness. He, therefore does not know the names of the people, he interacted with. He therefore has suggested that DoE should issue appropriate guidelines and organize workshops for not only teachers but also the non-teaching staff and other employees including the security guards at the gate on how to communicate with and handle persons with various disabilities.
6. While, the need for a personal hearing was dispense with, Master Indrajeet Kashyap whose contact number was given in the email of Sh. Abraham, was contacted on his Mobile no. 9625810695 before dictating this order. He narrated his experience, which I consider it appropriate to record in this order with a view that the concerned authorities will take appropriate remedial measures for improvement.
7. As told by Master Indrajeet Kashyap, he acquired blindness in the year 2014-15. As he does not have his parents, he was staying with his elder brother. He has to often take the help of others to go to various schools for admission. He approached Andh Mahavidyalaya, Panchkuian Road for admission in 9th class. He was informed by a lady employee/teacher without introducing herself that only young children were admitted in that school. He was not able to meet the Principal. He therefore started his studies through National Institute of Open Schooling (N.I.O.S) and passed 10th class with 64% marks. When he went to Govt. Sarvodaya Bal Vidyalaya, Burari, the Principal of the school said that there were too many children in that school and there were not enough facilities for teaching the students with blindness. He

may get hurt in the crowd. He then went to the adjoining Govt. School, Nathu Pura. The functionaries of that school though treated him well, they wanted to know why Sarvodaya Bal Vidyalaya, Burari which had good facilities did not admit him. He then tried for admission in the Govt. School, Govindpuri, Kalka Ji who refused to admit him.

8. His experience in Govt. Sarvodaya Bal Vidyalaya, Shahdara, where he is now studying was positive. Sh. Avnish, the Admission In-charge helped him though he had to get a letter from the Dy. Director, Education, Anand Vihar. He is now staying in a private hostel in Shahdara and worried about the payment of fee to the hostel, though the owner has for time being, exempted him. He has been advised and guided to apply for Disability Pension being provided by Department of Social Welfare.

9. Master Indrajeet Kashyap during the conversation also stated that he had almost abandoned the idea of continuing his studies. After he learnt about the Eyeway's Radio Program of Score Foundation and with the support of Score Foundation and its functionaries, he got admission in his present school and wishes to continue his education.

10. From the above account of this case, it should be noted that despite having the legislation, the policy and Directives of DoE in place, instances of this nature are still taking place in the Government as well as private schools. Unfortunately, none of the persons Master Indrajeet met in various schools including the Andh Mahavidyalaya, Panchkuian Road, introduced himself/herself to him. He does not know whether any responsible person in the school gave him the information/refused him admission.

11. In view of the above, it is recommended that:

(i) Directorate of Education should try to ascertain from the schools that refused admission to Master Indrajeet and take

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appropriate action against the concerned Head of School/functionaries.

(ii) Organize workshops for teaching and non-teaching staff at all levels on the rights of persons with disabilities and issues advisories on how to communicate with and handled persons with various disabilities.

12. Action taken on the above recommendations be intimated this court within 3 months from the date of receipt of this order as required under Section 81 of the Act.

13. Given under my hand and the seal of the Court this 25th day of September, 2019.



(Signature)
(T.D. Dhariyal) 25/9/19

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