

**In the Court of the State Commissioner for Persons with Disabilities
National Capital Territory of Delhi**
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone-23216001-04, Email: comdis.delhi@delhi.gov.in
**[Vested with powers of Civil Court
under the Rights of Persons with Disabilities Act, 2016]**

Case No. 2612/1101/2022/05/6114-6117

Dated:21-07-22

In the matter of:

**Ms. Pooja Rana,
Teacher,
EDMC Pratibha Vidyalaya (Girls),
Dayalpur-1, Delhi.**

.....Complainant

Versus

**The Principal,
EDMC Pratibha Vidyalaya (Girls),
Dayalpur-1, Delhi.**

... ..Respondent

Date of Hearing : 19.07.2022

Present: Ms. Pooja Rana, Complainant
Ms. Poonam Rani, Principal, Respondent.

ORDER

A complaint dated 12.04.2022 of Ms. Pooja Rana, working as teacher on contract basis in EDMC Pratibha Vidyalaya (Girls), Dayalpur-I, Delhi is received from the Court of Chief Commissioner for Persons with Disabilities vide letter dated 11.05.2022 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act. The complainant submitted that the toilets at EDMC School, Dayalpur-I was not accessible for Children with Special Needs/PwDs and often the toilet for PwDs of the school remains locked. Thus, not available for use causing difficulties for students. This has been one of the main reasons for absenteeism and school drop out specially for the girl students with special needs.

2. The matter was taken up with Director of Education, East Delhi Municipal Corporation (EDMC), The Deputy Commissioner, Shahdara North Zone, EDMC and the Principal, EDMC Pratibha Vidyalaya (Girls), Dayalpur-1, Delhi vide Show Cause Notice dated 24.05.2022.

3. The Principal, EDMC Pratibha Vidyalaya (Girls), Dayalpur-1, Delhi vide reply received in this Court on 24.06.2022 submitted that toilet block in the school is available for PwD children constructed according to prescribed norms by the Building Department of EDMC. The toilet was kept locked temporarily keeping in view the security and cleanliness, also to ensure that no outsider uses the toilet and no untoward incident occurs. The toilet is not kept closed permanently. There are 16 toilet blocks out of which 7 are earmarked for Children with Special Needs and PwDs. It was further submitted that the complainant had not complained about these problems in writing or orally to the school authorities. It was assured by the incharge school that any problem that occurs are taken care of immediately.

4. The reply of the respondent was forwarded to the complainant for submitting rejoinder, if any. The complainant vide rejoinder received in this Court on 29.06.2022 submitted that why only the toilet for meant CWSN or PwDs are kept closed ? She alleged that CWSN and PwDs are discriminated and added that out of 16 toilets in the school, not even a single one have ramp for easy accessibility of PwDs and in addition the toilets are always dirty. Cleaning of toilets are a must. She also alleged that the principal pressurizes her to take her complaint filed in this court back and is not signing the papers relating to extension of her contract as a teacher. The principal also threatens to transfer her from the present school.

5. Taking into account the reply of the respondent and rejoinder of the complainant, a hearing was scheduled on 19.07.2022. During the hearing, the complainant reiterated her submissions and further added that there is a student named 'Arti', who uses a wheel chair and finds it difficult to use the toilet as there

is a makeshift ramp made in one toilet, which even is not proper. The toilets for PwDs at new building of the school always remains locked. Commode (Indian Style) in the toilet is broken and when Incharge was contacted for this problem, she misbehaved with the complainant and threatened to transfer her. Also there is no drinking water facility in the school. The R.O. procured was never installed. All the students and teachers have to bring own water. She also alleged that incharge of the school Mrs. Poonam Rani is local of the area and lives nearby the school and she often goes to her house for break, having tea snacks, lunch etc.

6. Respondent submitted that as far as cleaning of toilets is concerned, there is only one sweeper in the school for the class rooms and 16 toilet blocks. She has brought this aspect to the notice of higher authorities without any solution so far. She also submitted that R.O. is not working at present but will be installed/repared soon.

7. After listening to both sides and due deliberations on the subject, it is observed by the Court that school faces severe crunch of sweepers to keep the school premises and the toilet blocks clean. There may be a tendency to keep some toilets locked to avoid overuse by some individuals. Taking into consideration the genuine grievance of the complainant and the reply submitted by the respondent, the following orders are made:-

- (i) Commissioner(MCD) / Deputy Commissioner(MCD) should take cognizance of lack of cleaning manpower of the school with almost 4000 students attending daily. Area Sanitary Inspector should be directed to supplement cleaning manpower for couple of hours per day and the services of local sweepers of the area should be diverted to the school to keep the toilet blocks spick and span.
- (ii) For Children with Special Needs/PwDs, it is recommended that Western Style Commode be provided in the toilets of the school and in all other MCD schools to facilitate the CWSN and PwDs which is basic need and MCD being a civic body should be able to resolve

such basic needs of the students and teachers without much difficulty.

- (iii) Respondent Principal is directed to ensure that the toilets for Children with Special Needs/PwDs are accessible, clean and not locked.
- (iv) Respondent Principal is also directed to install the R.O. or get the R.O. repaired, if need be and the same be made functional immediately so that there is no scarcity of drinking water for students and staff of the school.
- (v) Regarding the transfer of the complainant – if that is done with administrative requirement and procedure, this Court does not want to interfere but it needs to be ensured that such decisions are not outcome of mere diversionary tactics adopted to silence the voice demanding justice for a group (in this case for Children with Special Needs). Concerned authorities may also take due notice of some other factors brought out by the complainant against the incharge and deal with the same as deemed fit.

8. The case is closed with the above recommendations and action taken be intimated to this court within 15 days from the date of receipt of this order.

9. Given under my hand and the seal of the Court this 21st day of July, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities

Copy to:-

- 1. The Commissioner, Municipal Corporation of Delhi, Civic Centre, S.P. Mukherjee Marg, New Delhi-110002.
- 2. The Deputy Commissioner, Shahdara North Zone, MCD, Keshav Chowk, G.T. Road, Near Shyam Lal College, Shahdara, Delhi 110032.