

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi.
Phone-011-23216002-04, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]**

Case No. 1948/1032/2020/09/3356-3358

Dated:15-03-21

In the matter of:

Ms. Nehal Trehan,
34/20, Second Floor,
West Patel Nagar,
New Delhi – 110008.
(Email: nehal9250200000@gmail.com)

..... Complainant

Versus

The Director,
Directorate of Education,
GNCT of Delhi,
Old Secretariat, Delhi-110054.

.....Respondent No. 1

The Principal,
Air Force Golden Jubilee Institute,
Subroto Park, New Delhi – 110010.

.....Respondent No. 2

Date of Hearing: 12.03.2021

Present: Ms. Nehal Trehan, Complainant
Sh. Pankaj Trehan, On behalf of the complainant
Dr. Sudhakar Gaikwad, Deputy Director (Education)
and Sh. Rahul Dev, Legal Asstt., Dte. of Education,
on behalf of Respondent No. 1
Ms. Ruchita Karthikeyn & Sh. Amresh Chandra,
Principals, Air Force Golden Jubilee Institute on
behalf of Respondent No. 2

ORDER

Ms. Nehal Trehan, mother of Ms. Hareena Trehan, a girl child with 80% Autism Spectrum Disorder disability complained vide e-mail dated 24.09.2020 and submitted that her daughter, a student of Air Force Golden Jubilee Institute, Subroto Park, New Delhi wherein the school

authorities are not providing inclusive education as per RPwD Act, 2016. The child has been confined to segregation (Special Wing) at the school not learning much. It was also submitted vide her e-mail dated 05.11.2020 that some of the Special Educators including the class teacher of her child seem to be working with expired certificate of registration from the RCI. Vide another e-mail dated 16.12.2020, the complainant also submitted that the registration certificate of "Indian Air Force Educational and Cultural Society" too expired on 09.01.2019.

2. The matter was taken up with Dte. of Education vide letter dated 09.10.2020, who issued Show Cause Notice on 26.02.2021 to the school authorities with the direction to submit the reply within 3 working days.

3. Vide letter dated 03.03.2021, respondent No. 2 submitted that the child Hareena Trehan was admitted in Special Wing of AFGJI in Jan., 2018 on the request of the parent and in April, 2019, on the request of the parent, the child was shifted to Class-I of the mainstream school on trial basis. However, after one month the parent again requested to shift the child back to Special Wing for better care and same was agreed. In September, 2019, it was suggested by the school to shift the child to Class-I with the mainstream students for better inclusive studies, which the parent agreed. The child appeared for Unit Test (online) in July, 2020 wherein she performed satisfactorily and was promoted to Class-II. However, she stopped attending classes after her promotion to Class-II.

4. It was further submitted that school was not violating any provisions of the RPwD Act, 2016 with respect to students of CWSN category. The school authorities followed regulation of inclusive education in letter and spirit and always ensures that all special students are taken care of according to their disability. Special Wing of the AFGJI is an independent reputed entity although, it co-exists in the same premises for giving education to children with special needs and choice of admission to this Special School is by choice/request of the parent.

5. With regard to RCI certification, school authorities submitted that certificates of their employees have been duly renewed and that suitable action was taken against all the individuals by the school. Regarding registration of the school under RPwD Act, 2016, it was submitted that all the papers/formalities for the same have been completed and is under process.

6. Vide rejoinder dated 12.03.2021, the complainant submitted the copies of the fee slip deposited by her, application for Transfer Certificate of the child, Special Wing Progress Report Card 2019-2020, 2020-21 and screenshots of parent portal.

7. After due deliberations and discussion held, the following was recommended:-

(i) that the DoE should take due cognizance regarding the concerned teachers with expired certification from RCI and the school as per the rules and existing regulations. It was revealed that during renewal of RCI certificates in respect of the teachers, a penalty is added for non-timely updation. A report of confirmation to this effect be submitted to this court by 22.03.2021.

(ii) School authorities were asked to provide all necessary assistance and support to all the children with special need alongwith parents for the overall welfare.

8. The complaint was disposed of with the above recommendations.

9. Given under my hand and the seal of the Court this 15th day of March, 2021.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities