

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-02
Phone: 011-23216003-04, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 2618/1031/2022/05/518-520

Dated: 03-03-23

In the matter of:

Sh. Kapil Bhola,
F/o Luveesh Bhola.
Email: kbkapilbhola@gmail.com

.....Complainant

Versus

The Principal,
Himalaya Public Senior Secondary School,
D-12, Sector-07, Rohini,
New Delhi-110085
Email: himalaya_sms@yahoo.com

S.O.(IEB), Directorate of Education,
GNCTD
Email:iebdoehq@gmail.com

.....Respondents

Date of Hearing : 02.03.2023

Present: Sh. Kapil Bhola, Complainant.

Sh.Prasanna Kumar, Caretaker appeared on behalf of
respondent No.1(Himalaya Public Sr. Secondary School)

Sh. Puran Singh, Denominee appeared on behalf of
respondent No. 2. (Dte. of Education)

ORDER

The complainant, Sh. Kapil Bhola, F/o Master Luveesh Bhola,
filed a complaint dated 21.05.2022 under the Rights of Persons with

Disabilities, Act, 2016 hereinafter referred to as the Act regarding denial of admission to his child Master Luveesh Bhola, a child with 88% locomotor disability. He alleged that the Principal, Himalaya Public Senior Secondary School did not grant admission to Master Luveesh Bhola (Registration ID No. 20220172280) in spite of the fact that he was allotted a seat in Himalaya Public Senior Secondary School under DG Category (CWSN) through centralized lottery system conducted by Directorate of Education for academic session 2022-23. Thus, he requested to take appropriate action to resolve his grievance.

2. The matter was taken up with the Principal, Himalaya Public Senior Secondary School with a copy marked to Directorate of Education vide letter dated 06.06.2022 followed by reminders dated 26.08.2022, 09.12.2022 and 24.01.2023.

3. Principal, Himalaya Public Sr. Secondary School, Rohini, Delhi vide letter dated 19.12.2022 submitted as follows:-

- (a) Master Luveesh S/o Mr. Kapil Bhola had not been denied admission but the permitted percentage of admission (25%) EWS category had already been filled as against the general category permissible range.
- (b) In case of any further general category admission, they shall definitely prefer to admit Master Luveesh without fail.

4. Dy. Director, Inclusive Education Branch, Education Deptt. vide his letter dated 23.02.23 also directed Principal, Himalaya Public Senior Secondary School to attend the hearing on 02.03.2023 with all the necessary supporting documents of defence or a satisfactory tenable ATR failing which, suitable administrative action shall be taken as per the provisions of RTE, 2009 and RPwD, Act, 2016.

5. However, in the absence of any satisfactory reply received from respondent, a hearing was scheduled on 02.03.2023 and both parties submitted their respective facts as under:-

- (i) Complainant reiterated his written submissions and added that the School Authorities did not treat him in a positive manner and also denied admission to his son Master Luveesh Bhola, (CWSN) under EWS/DG category when he approached the school.
- (ii) However, on the day of hearing in the Court i.e. 2nd March, 2023, representative of the respondent School submitted reply dated 01.03.2023 & informed that the school has permitted admission to Master Luveesh Bhola. Further, the school authorities tried to contact parents telephonically to initiate the admission procedure but the parent were out of station. It was further assured by the School that directives of Directorate of Education, GNCT of Delhi were followed and the School was ready to offer the best provisions for the child to be educated in the conducive environment. It was further added by representative of the School that school has been providing inclusive education to Children with Special Needs (CWSN) and at present six special educators were engaged for the purpose.
- (iii) Representative of the Directorate of Education also confirmed that Principal of the concerned School has conveyed through e-mail dated 24th and 27th Feb.2023 that parents of the Master Luveesh Bhola has been asked to seek admission in the school.

6. After due deliberations and discussion on the case, the Court directs / recommends as under:

- (i) Court directs respondent School to confirm admission to Master Luveesh Bhola within 15 days from the date of receipt of this Order, failing which necessary steps as per provisions of the ibid Act and Rules would be taken against respondent School. The Court takes a dim view of the administrative authorities of the school, who initially denied admission to the Master Luveesh Bhola, a CWSN and later on receiving summon from

this Court and pressure from Dte. of Education, GNCTD has agreed to admit the child.

- (ii) Respondent School is also directed to be empathetic and sensitise all School staff while dealing with parents of children with special needs.
- (iii) Directorate of Education is also directed to issue fresh directives w.r.t. letter issued by Chairperson, RCI & Secretary to GOI, Ministry of Social Justice and Empowerment, to all the Chief Secretaries (all States/ Union Territories) vide File No. 7-91/Program/2019/RCI/90276-429 dated 16.02.2023 and circulate the same to all the **Schools** (Private and Govt.) of Delhi for effective implementation of the inclusive education.

7. Action taken report on the above recommendations be intimated to this Court as per section 81 of the RPwD Act.

8. Accordingly, the case is disposed of.

9. Given under my hand and the seal of the Court this 02nd day of March 2023.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities