

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. 2256/1031/2021/07/3363-65

Dated:09-12-21

In the matter of:

Sh. Sachin Gupta,
E-15/26-27, Sector-8, Rohini,
Delhi-110085.Complainant
Email: sachin_aman@yahoo.com, wmirza47@gmail.com

Versus

The Director
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-110054.Respondent No.1
Email: dired@nic.in

The Principal/HOS
Maxfort School, Parwana Road,
Pitampura,
Delhi-110034.
Email: info@maxfortpitampura.comRespondent No.2

Date of Hearing : 08.12.2021

Present: Sh. Sachin Gupta, Complainant.
Sh. Rahul Dev, Legal Assistant appeared on behalf of
respondent No. 1
Sh. Manish Hasija, Accounts Manager & Sh. Manoj Ahuja, Office
Incharge appeared on behalf of the respondent No. 2.

ORDER

The complainant, Sh. Sachin Gupta, F/o the child Ms. Hridyanshi Gupta, a person with 73% multiple disability has filed a complaint dated 29.06.2021 under the Rights of Persons with Disabilities, Act, 2016 hereinafter referred to as the Act and alleged that his daughter, Ms. Hridyanshi Gupta, Registration No. 20210023186, aged 07 years, was allotted Maxfort School, Parwana Road, Pitampura, Delhi-110034 for admission in Cass-1st under EWS/DG category for academic session 2020-21 through computerized draw of lots system conducted by Directorate of Education. In spite of her daughter's selection, the school has yet to admit her and unnecessarily delaying the matter on one and other pretext. Thus, he requested to take appropriate action to resolve his grievance.

2. The matter was taken up with the Directorate of Education, Govt. of NCT of Delhi vide letter dated 08.07.2021, followed by reminder dated 26.08.2021. However, no reply was received from the respondent till date.

3. To resolve the matter and dispose the petition of the complainant, a hearing was scheduled on 08.12.2021. During the hearing, Sh. Sachin Gupta, Complainant was present. Sh. Rahul Dev, Legal Assistant appeared on behalf of respondent No. 1 and Sh. Manish Hasija, Accounts Manager & Sh. Manoj Ahuja, Office Incharge appeared on behalf of the respondent No. 2.

4. Complainant inter-alia added that the School Authorities has not started admission of EWS/DG category in spite of the directives passed by the Govt. to complete the admission process at the earliest.

5. Representatives of Respondent No. 2 submitted that Ms. Hridyanshi Gupta was allotted S.No. 59 for admission and as per Directorate of Education's Circular No. DE.15(22)/PSB/2021-22/1897-1904 Dated 15.06.2021 school has to give admission to the selected candidates in order of the Serial Number allotted to the candidate through computerized draw of lots as available on the online module.

6. Representative of the respondent No. 1 submitted that as per computerized lottery result of Maxfort School for the category of children with special needs for the academic session 2021-22, out of five total allotted seats, only one child is admitted, one has not reported and remaining three seats are in waiting. He further added that necessary directions have already been given to all the **Private Unaided Recognized Schools** of Delhi to implement the inclusive education in line with the provisions of the RPwD Act.

7. It is pertinent to mention here that Section 31 of the Rights of Persons with Disabilities Act, 2016 mandates "*Free education for children with benchmark disabilities -Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 2009), every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice*". And Section 16 of the RPwD Act, 2016 also provides that the appropriate

*Government and the local authorities shall endeavour that all educational institutions funded or **recognized** by them provide inclusive education to the children with disabilities, hence to achieve this, all educational institutions are required to comply & act as per provisions of section 16 of said Act in letter and spirit.*

8. After due deliberations and discussion, the Court recommends as under:

- (i) Court has taken serious view about the absence of Head of School, Maxfort School during the hearing after being summoned. However taking a lenient view no fine is being imposed this time.
- (ii) Reason given by respondent No.2 for not admitting Ms. Hridyanshi Gupta as per old directives of Directorate of Education is not tenable. However, as per latest directives and keeping in view the inclusive education norms for Children with Special Needs, the school is bound to admit Ms. Hridyanshi Gupta daughter of Sh. Sachin Gupta. Thus, Court directs respondent No. 2 to confirm admission to Ms. Hridyanshi Gupta with 15 days from the date of receipt of this Order failing which necessary steps as per provisions of the law would be taken by the Directorate of Education.

9. Accordingly, the case is disposed of.

10. Given under my hand and the seal of the Court this 08th day of Decembers 2021.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities