

**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-110002
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. 2431/1032/2021/12/3833-35

Dated:02-02-22

In the matter of:

Smt. Tanuja M/o Ms. Amisha,
R/o A-136, JwalaPuri Camp No-4,
Sunder Vihar, New Delhi-110087.

.....**Complainant**

Versus

The HOS/Principal,
RashtriyaVirjaNandAndhKanyaVidyalya,
Main Ring Road, J-Block,
Vikaspuri, New Delhi-110018.

.....**Respondent No. 1**

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

.....**Respondent No. 2**

Date of Hearing: 02.02.2022

Present: Sh. Neilmani, Counsel for Complainant
Ms. HemlataJaimini, Manager,
RashtriyaVirjaNandAndhKanyaVidyalya,Vikaspuri, New
Delhi, on behalf of Respondent No. 1
Ms. NituBisht, Section Officer, DOE and
Sh. Rahul Dev, Legal Asstt., DOE(IEB), on behalf of
Respondent No.2

ORDER

Ms. Tanuja M/o Ms. Amisha, a person with visual impairment filed a complaint dated 26.11.2021 under the Rights of Persons with Disabilities, Act, 2016 hereinafter referred to as the Act. The complainant submitted that her daughter is studying in Class-X in Rashtriya Virja Nand Andh Kanya Vidyalaya, Vikaspuri, New Delhi and HoS/ Principal of the said school has denied her daughter to provide the hostel facility. The complainant had also made some other allegations against the school. She has requested this court to help her to provide the hostel facility to her daughter.

2. The matter was taken up with the respondent No.1 & 2 vide letter dated 03.12.2021. Respondent No.2 vide letter dated 11.12.2021 submitted that the Hostel Authority had made a policy after reopening of school after Covid Lockdown that the students who have some health issues should continue taking online classes as it would be safe for them to not stay in hostel. The complainant was advised to keep her daughter at home and take online classes for her betterment. It was further submitted that the allegations made against the school authorities are completely false. Letters were also sent to the complainant to send her daughter to attend the school and join the revision classes for pre board and Board Examinations but she refused to take the letter. It was further submitted that the school authorities are totally devoted to the betterment of the visually impaired students and the rules made in the school are also for the betterment of the students.

3. The complainant vide rejoinder dated 05.01.2022 submitted that the reply furnished by the Respondent No.2 is not correct and she is not satisfied with the reply. Upon considering the response of the

Respondent No.1 and rejoinder filed by the complainant, a hearing was scheduled in the matter on 02.02.2022.

4. The complainant and the child were not present as the child was suffering from fever, as informed. The Counsel of the complainant reiterated the submissions filed by the complainant and also submitted that the child had an Appendix operation, which is not infectious, on the basis of which the school authorities denied the hostel facility to the child. He also added that it is difficult for a visual impaired person to take online classes from home and requested that the child be allowed to avail the hostel facility. Legal Asstt. present on behalf of Respondent No.2 submitted that the child was earlier provided the hostel facility and school authorities may consider providing the same to the child.

5. The representative of Respondent No.1 submitted that the child was not denied hostel facility because of her Appendix operation but due to Covid pandemic and low immunity level, the chances of infection increases and that's why she was advised to stay at home and take online classes through the recordings sent on mobile phone. Further, it was also informed that the child is not well and therefore not attending the classes. Moreover, the hostel facility is meant for students from outside Delhi. If there is any vacancy in the hostel, other students are also considered for hostel facility. It was also submitted by the Manager of the School Authorities that the child did not appear for pre-board exams just because of not being provided hostel facility and also there were several behavioural issues of the child which was not cordial and she was also involved in some unwanted activities detrimental to other inmates.

6. After due deliberation and discussion, it was observed by the Court that the complainant/child was not cooperating with the school authorities and not behaving properly. However, taking an empathetic

view in the matter and request of the complainant, it is recommended that:-

- (i) The school authorities may consider accommodating the child if vacancy exist in the hostel. The complainant/child should give an undertaking, format of which is to be given by the school authorities, to the effect that the child will behave in a disciplined manner and follow all instructions/ guidelines issued by the school and hostel authorities.
- (ii) The Counsel of the complainant was advised to counsel the child alongwith the guardian so as to ensure proper behaviour and remain disciplined in the school and hostel and to follow the instructions/guidelines.

7. This court be informed of the action taken on the above recommendations within 3 months from the date of receipt of this order as required under section 81 of the Act.

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

9. Given under my hand and the seal of the Court this 02nd day of February, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities