



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 6237/1041/2016

Dated: 01.09.2016

In the matter of:

Smt. Rita Vohra, ^{D288}
146-B, DDA Flats,
Gulabi Bagh,
Delhi-110007

----- Complainant

Versus

Director (Education), ^{D289}
Directorate of Education,
Government of NCT of Delhi,
DRTI ACT Cell GOC, Old Secretariat,
Delhi-110054.

..... Respondent No. 1

The Principal, ^{D290}
R.B. Ram Roop Vidya Mandir Sr. Secondary School,
Shakti Nagar,
New Delhi-110007.

..... Respondent No. 2

Central Board of Secondary Education, ^{D291}
Through Secretary,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi-110301.

..... Respondent No. 3

Date of hearing : 28.07.2016, 17.08.2016

Present :

28.07.2016

1. Smt. Rita Vohra, Complainant.
2. None on behalf of Respondents.

17.08.2016

1. Smt. Rita Vohra, Complainant.
2. Ms. Meena Goswami, Dy. Education Officer, Distt. North on behalf of Respondent No.1
3. Dr. Rita Dev, Principal, R.B.R.R.V.M., Sr. Secondary School on behalf of Respondent No.2.
4. S/Shri Ashok Kumar, Advocate, CBSE, Ms. Kamta Vazirani, Dy. Secretary, CBSE and M. Thilagavathy, Asstt. On behalf of Respondent No.3.

ORDER

The above named complainant, Smt. Rita Vohra, mother of Master Anant Vohra, a student of Class-X with 82% locomotor disability filed complaints dated 21.04.2016 and 26.04.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding help and guidance for further study of her disabled child.

.....2/-

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006
Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001; Tel.: 23386054, 23386154; Telefax : 23386006

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

2. The complainant submitted that her son is 82% disable due to progressive muscular dystrophy (as per certificate issued in 2010). He is studying in R.B. Ram Roop Vidya Mandir School and has recently taken his Class-X exam. Presently his disability has increased and he has become 90% disable and he cannot move his body below his neck. His spine is fully bent due to which he cannot sit alone for a long time. He has sharp mind and wants to continue his study but lack of proper guidance she feels helpless as she cannot leave her child alone and go door to door for educational help. She has also alleged that her son was mentally and physically tortured by the school Principal during exam days. The Principal of the school did not hear her request to provide scribe facility to her son during examination. The sitting arrangement was made in a room on the ground full of dust and mosquitoes due to which there were continuous itching on his face. He was disturbed and was weeping whole time during exam. She has requested for help and advice to continue her son's study. As a mother she can easily judge him at the time of itching and sudden attack of Asthma.

3. The matter was taken up with the respondent vide this Court's letter dated 03.05.2016. A further complaint dated 05.07.2016 was received in this Court from the complainant

4. Upon considering the complaints dated 21.04.2016 and 26.04.2016 and subsequent representation dated 05.07.2016 of the complainant, a hearing was scheduled on 28.07.2016.

5. During the hearing on 28.07.2016, none appeared on behalf of Respondent No.1, 2 and 3 nor any intimation has been received about their inability to attend the hearing on 28.07.2016 despite the fact that the copy of Notice of Hearing was sent on 12.07.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the respondents by neither intimating their inability to attend the hearing nor caring to appear to explain their various of the case.

6. The complainant reiterated her written submissions and submitted that her son is 82% disabled due to progressive muscular dystrophy. He was studying in R.B. Ram Roop Vidya Mandir School, Shakti Nagar, Delhi-7 in 10th class. During his 10th class examination, his papers were scanned. He had given his examination after sitting in a muddy store room. He was not provided any medical facility while we had given a request letter to the Principal of the school three months earlier. There was no wash room facility. When we filed RTI to CBSE then we were told that there is no relaxation for disabled children. They can avail only two facilities – one of extra time and the other of Scribe. We want that Delhi Government and Central Government may make rules for disabled children. The disabled child may be given financial assistance like SC and ST persons. The examination should be of objective type. There should be relaxation in attendance in between 40 to 45%. There should be a separate Court for disabled children where they can get legal assistance. Her child is having more than 80 percent disability. He is not in a position to attend the school. Such children may be allowed to take examination in their home because he is almost a bed ridden child. In the interest of natural justice, the case was re-scheduled for hearing on 17.08.2016.

7. On 17.08.2016, the complainant reiterated her written submissions and submitted that that categorization of all the disables should be done for their special needs according to their disability. Students having 40% disability can do their work easily but students having more than 80% disability depend on other for every work. Financial assistance should be available for all disabled like SC/ST/OBC students because students with chronic disease need extra care than physically fit students. Need of separate court for disabled students where every legal help may be available free of cost. Relaxation in C.W., H.W., project work etc. for those disabled students below neck who cannot move their any part of the body. Question paper should be of objective type insptie of detailed theoretical question in case of disability more than 80% .

8. The representative of the respondent no.1, Director (Education), Directorate of Education, Government of NCT of Delhi submitted that whatever the facilities possible within the guidelines and rules of CBSE, we will certainly provide to the disabled student in the interest of justice.

9. The representative of the respondent No.2, the Principal, R.B. Ram Roop Vidya Mandir Senior Secondary School, Shakti Nagar, New Delhi submitted that the school is governed by the rules and regulations of Directorate of Education and the CBSE. It is further submitted that whatever guidelines and rules are provided by the Directorate of Education and the CBSE, we will act upon as per rules.

10. The representative of respondent No.3, Central Board of Secondary Education submitted that they are governed by stipulated bye-laws and guidelines and they will act within the rules and regulations of the CBSE in the present case.

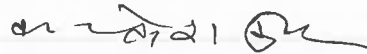
11. Section 26 of the persons with Disabilities Act provides that the appropriate Governments and the local authorities shall (a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years; (b) endeavour to promote the integration of students with disabilities in the normal schools; (c) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools; (d) endeavour to equip the special schools for children with disabilities with vocational training facilities.

12. Section 46 of the Act provides that the appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for – (a) ramps in public buildings; (b) adaptation of toilets for wheel chair users; (c) braille symbols and auditory signals in elevators or lifts; (d) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.

13. After hearing the parties and perusal of the record, this Court observes that the issue in the matter is not involved relating to the violation of any provisions of the Act and Government instructions but it is about creating barrier free environment awareness and sensitize the people. The Court directs the respondents as under:-

.....4/-

- (i) The Respondent No.1, Directorate of Education, Government NCT, Delhi is directed to ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of 18 years; endeavour to promote the integration of students with disabilities in the normal schools and issue appropriate instructions to all the schools in this regard.
- (ii) The Principal, R.B. Ram Roop Vidya Mandir Senior Secondary School, respondent no.2 is directed to ensure that appropriate facilities/reasonable accommodation be provided to the complainant. She should also issue instructions to staff to be sensible while handling with the student with disability.
- (iii) The parents of the child are also directed to co-operate with school authorities so that the school authorities can provide the support to children as per their limitations.
14. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities