



## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

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

भारत सरकार/Government of India

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**Case No.: 16157/1011/2025**

**In the matter of:**

**Complainant:**

Ms. Ariba Hussain

**Respondent:**

- (1) The Director,  
National Institute for the Empowerment of Persons with Visual Disabilities  
(Divyangjan)[NIEPVD]  
(Under Ministry of Social Justice & Empowerment, Govt. of India)  
116, Rajpur Road,  
Dehradun – 248001 (Uttarakhand)  
Email Id: [director@nivh.org.in](mailto:director@nivh.org.in)
- (2) The Registrar,  
Shri Dev Suman Uttarakhand University,  
Badshahithol,  
Tehri Garhwal, Uttarakhand  
Email: [registrarsdsu2018@gmail.com](mailto:registrarsdsu2018@gmail.com)

**Hearing:** A hybrid hearing in the matter was conducted by the Chief Commissioner for Persons with Disabilities on 25.07.2025. The following were present during the hearing:

- (1) Complainant: Ms. Ariba Hussain
- (2) Respondent No.1: Pradeep Anirudh, Director
- (3) Respondent No.2: Dinesh Chandra, Registrar

### RECORD OF PROCEEDINGS

1. At the outset the Court was briefed about the complaint, which pertained to her being detained in her B. Ed. Special Education (Visual Impairment) program for failing to qualify the Braille paper by only five marks, and thus, resulting in the cancellation of her provisional admission to the M. Ed. Special Education. She alleged that many students with questionable skills in the Braille Language were qualified.

2. The Respondent No. 1 submitted that despite the Complainant's shortfall in meeting the RCI norms on attendance, she was permitted to appear in the final year examination. Pending her results of the B. Ed. final examination, she was given provisional admission to the M. Ed. Special Education with a clear stipulation and also an undertaking from her that the admission would be cancelled if she was later found ineligible.

3. The Respondent No. 1 stated that the issue of granting grace marks or making any other relaxation falls under the purview of the Respondent No. 2, who informed that no such relaxation is permissible under the National Council for Teacher Education (NCTE) guidelines for any category of students, including those with disabilities. The Complainant strongly opposed this and submitted that in some cases the marks were later improved by providing grace marks. The Respondent No. 1 submitted that in the results of B.ED for Multiple Disability, some students were initially shown as failed and after the NIEPVD's intervention; the university entered the correct maximum marks and declared them passed/failed as the case may be. Ms. Ariba is a student of B.ED in Visual Disability and not in Multiple Disability. In the case of Visual Disability all, except Ariba, have passed.

4. The Court observed that such mistakes can create loss of faith in the system and recommended a thorough investigation into this. Respondent No. 2 submitted that he doesn't have this data readily available with him, but he would find out the same and report to the Court. He, however, confirmed that there is no policy of giving such grace marks as per the NCTE guidelines with which the University is bound.

5. The Court observed that the Rights of Persons with Disabilities Act, 2016 (the RPwD Act) makes it clear that the onus of understanding the individual needs of the students, taking suitable pedagogical and other measures to address them by providing necessary individualised support, of monitoring participation and progress in terms of attainment levels in respect of every student with disability, inter alia, lies with the appropriate government and the institutions concerned. The Court emphasized that students with disabilities are required to be provided reasonable accommodation and pedagogical interventions, keeping in mind their disabilities. If the NCTE guidelines do not make any such reasonable accommodation for students with disabilities, then such guidelines must be examined in light of the above provisions of the RPwD Act, which is a special act of the Parliament. Accordingly, the Court directed that NCTE be impleaded in this matter, their comments be sought, and they be advised to be present in the next hearing.

6. The matter was adjourned, and the next date of hearing shall be notified in due course.

7. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.



(PP Ambashta)

Dy. Chief Commissioner of Persons with disabilities