



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 16157/1033/2025

In the matter of –

Ms. Ariba Husain

... Complainant

Versus

The Director, National Institute for the Empowerment of
Persons with Visual Disabilities ... Respondent No.1

The Registrar, Shri Dev Suman Uttarakhand University ... Respondent No. 2

National Council for Teacher Education ... Respondent No. 3

Case No. 16175/1033/2025

In the matter of –

Ms. Renu Bhatt

... Complainant

Versus

The Director, National Institute for the Empowerment of
Persons with Visual Disabilities ... Respondent No.1

The Registrar, Shri Dev Suman Uttarakhand University ... Respondent No.2

1. Background

1.1 Case of Ms. Ariba Hussain – The Complainant, a person with 100% visual impairment, failed the B.Ed. (Special Education – Visual Impairment) Braille

practical examination by a small margin despite seeking reasonable accommodations such as extra time and a scribe. This led to the cancellation of her provisional M.Ed. admission. During the hearing dated 25.07.2025, the University stated that the grant of grace marks or relaxations was impossible without such provisions in the *National Council for Teacher Education* (NCTE) guidelines applicable to teacher training courses.

1.2 Case of Ms. Renu Bhatt – The Complainant, also with 100% visual impairment, failed 3 of 11 first-year papers. As per NIEPVD's policy, those with more than two backlogs must reappear in all papers. She sought to reappear only in the failed papers and to continue with the next year.

2. Legal Position

2.1 Statutory Mandate – Sections 3, 4, 16, and 17 of the *Rights of Persons with Disabilities Act, 2016* (RPwD Act) obligate educational institutions to provide *reasonable accommodation* and *individualised support measures* to persons with disabilities, so as to ensure their effective participation and inclusion in education on an equal basis with others. Section 3(5) clarifies that denial of reasonable accommodation constitutes discrimination.

2.2 Supreme Court Precedents –

(a) **Om Rathod v. DGHS**, 2024 INSC 836 – "*Reasonable accommodation is a facet of equality... Denial of such accommodation amounts to discrimination prohibited by the RPwD Act. A uniform rule, however fair it may appear, will operate unequally upon persons with disabilities unless adjusted to their specific needs.*" (para 42)

(b) **Vikash Kumar v. UPSC**, (2021) 5 SCC 370 – "*The principle of reasonable accommodation postulates that the person with disability should be placed, as far as possible, at par with other candidates... Denial of scribe/extra time on hyper-technical grounds is discriminatory under Section 3.*" (paras 38, 47)

(c) **Rajive Raturi v. Union of India**, (2018) 2 SCC 413 – "*Accessibility is not a matter of charity but a legal mandate. The State and all authorities have a positive obligation to ensure removal of barriers so that persons with disabilities can live with dignity and participate fully.*" (para 54)

2.3 NCTE Guidelines – If the guidelines governing teacher training courses omit provisions for reasonable accommodation, such omission renders them *pro tanto* violative of the RPwD Act, 2016. The statutory rights under the Act override subordinate legislation or executive guidelines. Institutions cannot rely on absence of enabling clauses to justify inaction where the parent statute imposes a clear positive obligation.

3. Findings

3.1 In Ms. Ariba Hussain’s case, the failure to provide adequate remedial Braille training and to accommodate her during the practical examination is inconsistent with the above statutory and judicial mandates. The University’s reliance on NCTE guidelines devoid of accommodation provisions cannot justify the denial of her rights.

3.2 In Ms. Renu Bhatt’s case, the blanket “all-papers” reappearance rule has a disproportionate impact on persons with disabilities and amounts to a denial of reasonable accommodation. The hardship caused is compounded by the excess examination fee collected for papers she had already cleared.

4. Recommendations

4.1 For Ms. Ariba Hussain (Case No. 16157):

- a) NIEPVD shall provide a **minimum of 15 days’ supplementary/remedial training** in Braille, with accessible study materials and assistive devices.
- b) Thereafter, the Braille practical examination shall be re-conducted at a mutually convenient date within **30 days**, with full accommodations (scribe, extra time, accessible formats).
- c) Her admission to the M.Ed. (Special Education – VI) shall be **provisionally continued**, and she shall be permitted to appear in the current semester’s examinations.
- d) NCTE shall, within 90 days, review its guidelines to incorporate explicit provisions for reasonable accommodation in all teacher education courses, in conformity with the RPwD Act, 2016 and binding Supreme Court jurisprudence.

4.2 For Ms. Renu Bhatt (Case No. 16175):

- a) NIEPVD shall permit her to reappear **only in the three failed first-year papers** (BEDVI-102, BEDVI-106, BEDVI-111) in the upcoming cycle, with appropriate accommodations.
- b) She shall be provisionally allowed to appear in her next year's examinations.
- c) **Any examination fee collected in excess of that required for three papers shall be refunded to her forthwith**, and in any case within 15 days of receipt of this order.

4.3 General Recommendations:

- a) NIEPVD, SDSU, and NCTE shall align their ordinances, regulations, and practices with Sections 3, 4, 16, and 17 of the RPwD Act, 2016, DEPwD Guidelines dated 25.07.2025, and UGC advisories on reasonable accommodation.
- b) A compliance report on these directions shall be submitted to this Court within **30 days**.

5. The Cases are disposed of in the above terms.

(Rajesh Aggarwal)
Chief Commissioner for Persons with Disabilities