



न्यायालय मुख्य आयुक्त

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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/16128/1033/25

Dated: 25/07/2025

In the matter of:

Ms. Suchitra Sejwal M/o Ms. Pakhi Sejwal ...Complainant

Versus

The Principal,
The Mother's International School ...Respondent

Hearing (I):

A hearing in hybrid mode (offline/online) was conducted on **15.07.2025**. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	(i) Advocate Rohit Raheja (ii) Ms. Suchitra Sejwal M/o Pakhi Sejwal	For Complainant	Online

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2.	(i) Advocate S.K. Rungta (ii) Ms. Milan Mala Sarin, Principal (iii) Mr. A.K. Dash, Vice Principal	For Respondent	In person
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RECORD OF PROCEEDINGS

At the outset, the learned Advocate for the Complainant submitted that the Respondent School followed the IEP till she was in Class VIII, but the same was denied when she came to Class IX. He submitted that the Complainant's request for a change of subject from Mathematics to Music was allowed when she was in Class VIII. Still, a similar request for the subject change from Social Science to Home Science or IT was not considered when she was in Class IX. He added that Ms. Pakhi qualified 4 out of her six subjects in the first attempt, and she cleared a 5th subject, namely English, in the first retest. She, however, failed to qualify for the Social Science Paper despite three attempts.

2. The Principal of the Respondent School submitted that the Complainant has raised two main issues- a) Denial of Promotion to Class X; and b) Insistence of the school to repeat Class IX with a subject change. She rebutted both the charges and submitted that Ms. Pakhi did not meet the criteria for promotion to Class-X, and hence she was placed under Essential Repeat. But that does not mean that she has to repeat a particular subject. She is free to choose and change her subjects, provided the same is available to the students of Class IX and the course is available at the school.

3. To respond to the charge of not permitting the change of subject, the Principal submitted that in Class IX, Ms. Pakhi was permitted two changes in her subject, from Mathematics to Painting in July and from Science to Music in October, both within a week of receiving the requests. There was no request to change Social Science to Home Science or any other subject. In fact, it was only through the Notice issued by this Court forwarding the Complaint of the parent that the school became aware of a request for a

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change of Social Science to Home Science or Physical Education.

4. The Principal further submitted that the CBSE does not offer Physical Education to Class IX and X students, while the school does not run a course on Home Science. As such, these substitutes could not have been permitted.

5. The learned Advocate for the Complainant submitted that the parent of Ms. Pakhi did submit a request for change of subject from Social Science to Home Science on 22.03.2024, when she was yet to join Class-IX. The school also replied to the same the next day, i.e., on 23.03.2024.

6. The Court observed that the Respondent School admitted during the hearing that the parent made the request for change of Social Science to Home Science, albeit not in Class-IX, but at the end of the previous academic year. The request made on 22.03.2024 was not meant for Class VIII, as the academic year had almost ended. This was undoubtedly made for the ensuing year. It is difficult to believe that the child failing in that subject, Class IX, was a mere coincidence. It is also clear that the school did not do anything about this throughout the year. Had they appropriately responded to this request, the child might have exercised her option to study in another school, which offered Home Science as a subject.

7. The Court informed the parties about the relevant provisions of the RPwD Act, 2016, which are reproduced as under:

“16. Duty of educational institutions.—The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

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(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

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17. Specific measures to promote and facilitate inclusive education.—The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met: Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's

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own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and (k) any other measures, as may be required."

8. The aforesaid statutory provisions make it clear that the onus of detecting specific learning disabilities in children and taking suitable pedagogical and other measures to overcome them, of 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. The Respondent School confirmed that they have special educators in their school. As such, the argument of the Respondent that the Complainant did not ask for a change from Social Science to Home Science when the child was studying in Class IX cannot be accepted on this ground alone. The Court, however, also noted that the parent who had sought two changes during the year when the child was in Class IX, failed to reiterate their request regarding Social Science.

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9. After hearing both parties, the Court directed the Respondent and the parent to explore every possible accommodation for the child. The Court suggested considering alternatives under the CBSE system and identifying possibilities for relaxation, such as grace marks, retest, or subject changes that could support the child's promotion. The Court noted with appreciation the offer made by the learned senior counsel appearing on behalf of the School to allow a retest of the child in IT, which was the sixth subject of the child in Class 9 and in which she had scored 29.9% marks, which was less than the passing marks of 33%, but better than her performance in the Social Science. If she passes the retest in IT, then the same could be treated as a main subject, and she can be promoted to Class-X. The Respondent School sought some time to consult the Department of Education, GNCTD, saying that this may become a precedent, and other students detained on similar grounds may also seek the exact resolution. The Court sought to know if there are CWSNs among such other detained students and if they had also submitted their request for a change of subject. The Respondent could not give a satisfactory reply to the queries.

10. The Respondent was asked to submit its proposed resolution of the issue within 7 days, keeping in mind the child's educational needs and adhering to the principles of inclusive education, with a copy to the Complainant. After that, the Complainant can also file a rejoinder, if any, within a further period of 3 days.

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

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Yours faithfully,

(Praveen Prakash Ambashta)

Dy. Chief Commissioner

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