



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: 20/08/2025

**In the matter of—**

Ms. Suchitra Sejwal  
...Complainant

**Versus**

The Principal, The Mother's International School, New Delhi

Email: themis.office@themis.in  
...Respondent

## **1. Gist of the Complaint:**

1.1 Ms. Suchitra Sejwal, mother of Ms. Pakhi Sejwal, a person with (40)% low vision with Global Development Delay, filed a Complaint dated 26.05.2025 regarding her non-promotion to Class X at The Mother's International School, New Delhi, due to challenges in Social Sciences, despite reassessments.

1.2 The issue arose during the 2024-25 academic year at The Mother's International School, Sri Aurobindo Marg, New Delhi, when a CwSN student, suffered academically owing to the school's failure to provide timely accommodations, an Individualized Education Plan (IEP), or curriculum modifications. The school's insistence on repeating Class IX with a subject

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change to IT, instead of accommodating her needs, has caused emotional trauma and undermining her progress.

1.3 Relief sought includes directing the school to promote the child to Class X immediately, with a subject change to Home Science and implementation of appropriate accommodations as permissible under CBSE guidelines, the RPwD Act, and the NEP 2020, to safeguard emotional well-being and uphold inclusive education.

## **2. Notice issued to the Respondent:**

2.1 In exercise of the mandates and powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 27.05.2025 was issued to the above mentioned respondent for forwarding to this Court comments on affidavit on the complaint within the statutory time limit keeping inter alia the statutory provisions at sections 3, 16, 17, 21, and 31 of the Act.

## **3. Reply filed by the Respondents:**

3.1 The Mother's International School, New Delhi, responded on 28 June 2025 by pointing out that the non-promotion of Ms. Pakhi Sejwal, a CwSN with 40% visual impairment to Class X was due to her failure in Social Science. The school asserts it provided accommodations like extra time, scribes, modified assessments, and a subject change to Music in 2024, as per CBSE guidelines, and conducted three re-examinations, including one on 17 May 2025, despite logistical challenges. Nevertheless, Pakhi did not achieve the 35% promotion criteria set by the Directorate of Education, NCT Delhi. The school maintained regular communication

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with parents, who acknowledged its support during PTMs, and denies any discrimination, claiming compliance with the RPwD Act and CBSE regulations. It argues that promoting Pakhi without meeting academic standards could hinder her development and found no provision allowing such promotion. The school facilitated prior subject changes but notes further changes (e.g., to Home Science) require CBSE approval. It ensures a non-retaliatory environment and seeks guidance on any specific provisions for CwSN promotion, requesting the complaint be closed as unfounded, supported by enclosures like the report card, re-examination details, and email exchanges.

#### **4. Rejoinder of the Complainant:**

4.1 In the rejoinder dated 07 July 2025, the Complainant rebuts the respondent school's reply, reiterating the original complaint's concerns about Pakhi's non-promotion to Class X. The school failed to provide a Class 9 IEP, curriculum modifications, or proactive accommodations beyond basic scribe and extra time, violating RPwD Act Sections 16 and 17, CBSE Circular 25/2022, NEP 2020, and Delhi High Court precedents. Despite repeated requests (emails dated 22 March, 5 July, and 19 September 2024), the school delayed a subject change to Home Science/PE and misrepresented the parent-driven nature of the third re-examination. The school's selective, unconsented audio-recording of Pakhi during this exam is deemed retaliatory and unethical, with baseless malpractice allegations distracting from their lack of inclusive support. Repeating Class IX would cause severe emotional harm without any educational benefit. The complainant seeks Pakhi's promotion, subject change, IEP implementation, a non-retaliatory environment, investigation into the recording, and censure for the school's conduct. The rejoinder reinforces the complaint's core issues while adding new allegations of misrepresentation and ethical violations, supported by email evidence.

#### **5. Hearing (I):**

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

- i. Advocate Rohit Raheja (Representative of the Complainant)
- ii. Ms. Suchitra Sejwal, M/o Pakhi Sejwal (Complainant)
- iii. Advocate S. K Rungta (Representative of the Respondent)
- iv. Ms. Milan Mala Sarin, Principal (Respondent)

5.2 Ms. Suchitra Sejwal, represented by Advocate Rohit Raheja, alleged that The Mother's International School failed to follow an IEP for her daughter, Ms. Pakhi, in Class IX and denied a subject change from Social Science to Home Science or IT, despite granting a Mathematics-to-Music change in Class VIII. Ms. Pakhi passed 4/6 subjects, cleared English in a retest, but failed Social Science.

5.3 The school, represented by Advocate S.K. Rungta, the Principal, and Vice Principal, argued Ms. Pakhi didn't meet Class X promotion criteria, was placed under Essential Repeat, and was allowed subject changes (Mathematics to Painting, Science to Music) in Class IX, but was unaware of a Social Science change request until the Court's notice. The school noted Home Science isn't offered and Physical Education isn't available per CBSE. The Complainant confirmed a request was made on 22.03.2024.

5.4 The Court noted the school's inaction on this request may have impacted Ms. Pakhi's performance, citing RPwD Act, 2016 obligations for inclusive education. It directed both parties to explore accommodations, including a proposed IT retest (Ms. Pakhi scored 29.9%,

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below 33%), which could enable promotion. The school was asked to submit a resolution within 7 days, with a copy to the Complainant, who may file a rejoinder within 3 days.

## **6. Submissions made after First hearing:**

6.1 Respondent's Submission dated 01.08.2025: The school reiterates its commitment to Pakhi's growth and compliance with policies. It clarifies no formal request for Social Science change to Home Science was received during the 2024-25 academic year, only via the complaint post-term. It corrects factual errors on exam results (Pakhi passed only three subjects initially) and adheres to DoE/CBSE promotion rules allowing re-exams in up to two subjects, which were exhausted. Subject changes were granted reactively upon parental requests in July and October 2024, but no similar request for Social Science was made. The school denies omissions, details extensive support since Nursery (e.g., modified instructions, shadow support, therapy alignment), and accuses the complainant of concealing email replies showing intent to discuss changes post-promotion. It argues DoE circulars apply uniformly, no negligence occurred, and seeks dismissal.

6.2 Complainant's Rejoinder dated 04.08.2025: The complainant rejects the school's assertions, accusing it of willful non-compliance, omissions, misleading statements, and stalling tactics violating RPwD Act Sections 16, 17, 31, and constitutional rights (Articles 14, 21A). Point-wise rebuttals include: omission of verbal requests and lack of documentation for meetings; failure to provide accommodations like grace marks, subject substitutions, or best-5 calculations; delayed subject changes wasting efforts; absence of Class 9 IEP and inconsistent modifications; contradictory handling of IT marks; discriminatory promotions for other CWSN; improper fee collection amid denied support; misuse of DoE circulars ignoring RPwD precedence; anomalies in internal assessments; late modified questions; and superficial compliance without proactive inclusion. Requests final order for promotion, accommodations, and urgent resolution given upcoming exams.

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## **7. Hearing (II)**

7.1 A hearing in hybrid mode (online/offline) was conducted on 18.08.2025. The following parties/representatives were present during the hearing:

- i. Advocate Rohit Raheja (Representative of the Complainant)
- ii. Ms. Suchitra Sejwal, M/o Pakhi Sejwal (Complainant)
- iii. Advocate Rakesh Agarwal (Representative of the Respondent)
- iv. Ms. Milan Mala Sarin, Principal (Respondent)

7.2 At the outset, the parties were given a background of the case by reading out paragraphs 8, 9 and 10 of the RoP dated 25.07.2025.

7.3 The learned counsel for the Respondent requested for a short adjournment on the grounds that the main counsel Adv. Rungta was not able to make it to this hearing due to his engagement elsewhere. The learned counsel from the Complainant strongly objected to this request of adjournment.

7.4 The Court observed the urgency of the issues and the continuous loss of the academic inputs for the child and decided to schedule the hearing on 19.08.2025 at 9:30 AM.

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7.5 The Court clarified that no further adjournment shall be given and the matter shall be concluded in the next hearing. At this stage, the Respondent requested for a copy of the rejoinder submitted by the Complainant after the last hearing. The Complainant was directed to share the same with the Respondent.

## **8. Hearing (III)**

8.1 A hearing in hybrid mode (online/offline) was conducted on 19.08.2025. The following parties/representatives were present during the hearing:

- i. Advocate Rohit Raheja (Representative of the Complainant)
- ii. Ms. Suchitra Sejwal, M/o Pakhi Sejwal (Complainant)
- iii. Advocate Rakesh Agarwal (Representative of the Respondent)
- iv. Ms. Milan Mala Sarin, Principal (Respondent)

8.2 At the outset, the Respondent was asked to inform the Court about any action taken since the last hearing and their action plan for resolution of the grievance of the Complainant.

8.3 The learned counsel for the Respondent submitted that in accordance with the Rules of the CBSE and DoE, the school is not in a position to promote Ms. Pakhi to Class 10th as she has failed in three subjects. The learned counsel further submitted that if they grant this relief, it would create a precedent. However, he also stated that the school will abide by directions of this Court.

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8.4 The learned counsel for the Complainant rebutted by saying that they had approached the school with their request to change their subjects on 19.09.2024, however, the request was denied on the grounds that Home Science was not an available subject in their school. The learned counsel further submitted that there was no Individualized Education Plan of this school despite several request from the parent and a clear violation of Section 16 and 17 of the RPwD Act.

8.5 The learned counsel for the Complainant also submitted that in the last hearing the Court has directed the Respondent to explore the possibilities to promote the students. But the Respondents have not only denied the request of the Complainant but have also ignored the direction of this Court. No special educator was provided in Class IX, compelling the parent to arrange a scribe during examinations, leaving the entire responsibility on them. The school should have provided all these not only to comply with the Act but also on humanitarian ground.

8.6 The learned counsel for the Respondent submitted that, in so far as, the email dated 22.03.2024 is concerned, the same was promptly replied to the Complainant by the school the very next day as under:

- i. In an email dated 22.03.2024, Ms. Pakhi Sejwal's parents had indicated about pursuing a change of subject for Science and Social Science.
- ii. The email did not mention what subjects Ms. Pakhi Sejwal would like to pursue in lieu of dropping the said subjects. More specifically, the parents did not mention Home Science or any alternative subject in this communication.
- iii. This email dated 22.03.2024 was received by the School after the final examinations

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of Class 8, in which Ms. Pakhi Sejwal was unsuccessful in scoring minimum passing marks in Science and Social Science in class 8, and was yet to appear for Re-examinations in these subjects in order to be promoted to Class 9.

iv. The learned Advocate for the complainant has mentioned that the School replied to the email the next day but was willfully concealed the contents of the reply dated 23.03.2024 (Annexure 2)

8.7 The email sent by the parents was premature and incomplete as the email did not mention the subject with which Social Science was sought to be replaced. In October, 2024, the parent sought change from Science to Classical Music. Their earlier mail of 22.03.2024 also mentioned Social Science and Science to be changed. The parent by making a fresh request in October to change from Science to Music and not mentioning Social Science at all, have superseded their earlier request. Subsequently, the parent applied for change of subjects from Maths to Painting and Science to Hindustan Vocal Music in July and October 2024 respectively.

8.8 The DoE circular of 2019 lays down rules for compartment exams at Rule 6 as under:

*"6. A student who appears in the examination can be declared eligible for appearing in the compartment examination if he/she has not failed in more than two subjects."*

8.9 Ms. Pakhi Sejwal failed in three subjects and despite three opportunities, she still could not qualify in one.

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8.10 Another issue raised by the Complainant is with regard to the grace marks. Rule 7(d) provides that no benefit of grace marks or the replacement of language can be given to a student appearing in compartment examination. Thus, a student cannot have both the compartment examination and grace marks.

8.11 The learned counsel for the Respondent also raised the issue of the tone of the submission of the Complainant by saying that the school has taken care of the child for 11 years and suddenly after the result of Class-9 were published, the school suddenly becomes a villain and everything about it was seen as malafide.

8.12 The Court wanted to know from the Complainant whether they made any written request for change of Social Science to any other subject during the academic year when the child was in Class 9. The Complainant submitted that they met the Vice Principal and the Principal and made verbal requests but the same was denied and no Minutes of the Meeting were issued. The Complainant, however, acknowledged that there was no written submission from them during the academic year.

8.13 The Court then wanted to know from the Respondent whether there was any assessment done by the school for the child's needs and capabilities which they were obligated to do under Section 16 of the Act. The Respondent submitted that the student was provided constant guidance and assistance. The parent and the school authorities have been regularly in touch with each other. In so far as assessment is concerned, the parents were getting the assessment done at the National Institute of Public Cooperation and Child Development (NIPCCD) and shared the records with the school. So there was no point in doing it again by the school.

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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

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8.14 The Court further asked the Respondent as to why grace marks were not provided to the Complainant who is a person with multiple disabilities, while the same was provided to many other students, as is evident from Annexure-3 of the letter dated 31.07.2025. If the grace marks were allowed, she could have qualified in two out of the three subjects in which she failed. The Respondent submitted that the school follows the guidelines issued by the CBSE and the DoE on concessions, accommodation. The grace marks were not given because she would not have qualified for promotion to class-10 even with the grace marks, which are capped at a maximum of 10 with not more than 5 marks in one paper. The Respondent contended that rules apply uniformly to all students and claimed no additional accommodations are specifically provided for CwSN in this context.

8.15. The Respondent further submitted that in English, Pakhi scored 27.19 marks, by adding 5 grace marks, she would still be short of the passing marks of 33. In IT also, she failed. Had she qualified in IT, this could have been swapped with main subject to qualify her.

8.16 The counsel for the Complainant submitted that Ms. Pakhi would have qualified the papers of English and IT, had she been given grace marks and would have qualified for promotion in class 10 without the need for any re-examination. Having qualified 5 out of 6 papers which is required for Child with Special Needs (CwSN).

8.17 The Court sought from the school about any reasonable accommodation available to students with disabilities in terms of assistance during the examination or any evaluation criteria, number of attempts etc., which is over and above the avenues available to anyone. The Respondent submitted that there is no such an additional or special provision for students with disabilities.

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8.18 The Court sought a clarification from the Respondent as to whether they sent their reply dated 31.07.2025 in consultation with the DoW and the CBSE, the Respondent answer in affirmative and said that they have also endorsed a copy of their reply to the DoE and the CBSE.

## 9. Observation and Recommendations:

9.1 This Court observed that the day of the hearing i.e. 19.08.2025 co-incides with the World Humanitarian Day celebrated worldwide, which teaches us to take a humanitarian approach to problem solution.

9.2 During the last hearings, this Court was very unambiguous in its recommendation of exploring every possible accommodation for the child. The Court had suggested considering alternatives under the CBSE system for relaxations, that could support the child's promotion.

9.3 Based on the written and oral submissions of the Respondent, this Court is not convinced whether every possible accommodation has been explored by the Respondent.

9.4 Reasonable accommodations has been defined in the RPwD Act as under:

*2(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;*

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9.5 Section 16 and 17 mandates reasonable accommodation in education 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—*

*(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*

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*attendant of the children with disabilities having high support needs.*

*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 own speech to 12 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;*

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*(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*

9.6 Hon'ble Supreme Court in its various decisions including the ones quoted below has underscored the importance of reasonable accommodation in actualising the rights of persons with disabilities:

**(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)

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9.7 Thus, not providing reasonable accommodation in the educational aspects including in the conduct of examination and evaluation parameters can not be justified.

9.8 It is imperative to note that relaxation of standard of suitability are provided by the Central Government in employment in both direct recruitment and promotion via Para 11 and 8 of DoP&T OM dated 15.01.2018 and 17.05.2022 respectively.

9.9 This Court observes that in the instant case the child's future is being affected due to some faults attributable to either the school or the parents. The child has no say in this whole process and no fault can be attributed to her. The preamble of the RPwD Act, 2016 provides **"respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities"** as on the guiding principles of the Act. Section 4 (2) provides that **"all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability."** As such, the innocence of the child is required to be considered for arriving at a just conclusion.

9.10 Accordingly, this Court recommends promotion of Ms. Pakhi Sejwal to Class-10th and with an advice to both the school and the parent to prepare their respective plan for assisting her to pass her 10th exam within the available time of the academic year.

9.11 This Court also submitted that a copy of this order be forwarded to the CBSE and the DoE for reviewing their and the DEPwD policy on the subject and come out with a more inclusive policy.

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9.12 The Court emphasises that educational institutions and state have an added responsibility when it comes to the educating of CWSN. Education is true empowerment; every CWSN must be enabled to continue in mainstream education, failing which the child risks exclusion and marginalization, turning a potential asset into a liability for the nation.

9.13 This case is accordingly disposed of.

**Yours faithfully,**

**(S. Govindaraj)  
Commissioner**

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