



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

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Case No. CCPD/14756/1032/2024

In the matter of —

Suo Motu

Versus

Secretary,

Department of School Education & Literacy & Others.

...Respondent

1. Gist of the Complaint:

1.1 This Court took suo motu cognisance based on complaints, representations, and reports highlighting systemic issues in some private schools in Delhi, including denial of admission to children with disabilities, lack of barrier-free infrastructure, absence of special educators, inaccessible books, playgrounds, and ICT platforms, and failure to provide reasonable accommodation. These pertained to probable non-compliance with sections 16, 17, and 31 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act), Articles 9 and 24 of the UNCRPD, and the inclusive education mandate of the National Education Policy (NEP) 2020.

1.1 This Court decided to interact with some leading schools in Delhi to examine the issues and best practices and make necessary recommendations.

Accordingly, notices were issued on 12.01.2024 and hearings were conducted on 09.08.2024 and 18.02.2025. The Record of Proceedings for the first hearing, detailing the written and oral responses of the schools and the government respondent, is available on the website of this Court. Hence, the same are not being repeated here.

2. Observation and Recommendations:

2.1 Upon considering the replies received and the proceedings of the hearing, it is observed that the schools have not fully complied with Sections 16, 17, and 31 of the RPwD Act. Furthermore, the CBSE's 3% CWSN reservation within the 25% EWS quota is exclusionary, as it limits access for non-EWS children with disabilities and is inconsistent with inclusive education principles under the RPwD Act. Global best practices, such as the Salamanca Statement, UNCRPD General Comment 4, UNESCO reports, and US Individualised Education Programs, emphasise system-wide reforms, including teacher training, accessible curricula, and flexible pedagogy.

2.2 The relevant law, policy, and judgments include the Preamble to the RPwD Act, 2016, which states: "An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith..." UNCRPD Article 24 provides: ***"States Parties recognise the right of persons with disabilities to education... States Parties shall ensure an inclusive education system at all levels and lifelong learning..."***

2.3 NEP 2020, Para 6.8, states: ***"Children with disabilities will be enabled to fully participate in the regular schooling process from the foundational stage to higher education... The policy reaffirms that every child with disability will have access to the same quality and equitable education as others."***

2.4 Judicial precedents include *Rajneesh Kumar Pandey & Ors. v. Union of India* (Supreme Court, 2021), where the Court addressed systemic issues in inclusive education, including pupil-teacher ratios for children with special needs. The Court emphasised that reasonable accommodation is integral to equality, stating that "denial of reasonable accommodation to persons with disabilities constitutes discrimination" under Section 2(h) of the RPwD Act, 2016. It highlighted the need for adequate resources and trained educators to ensure meaningful participation, noting that failure to provide such accommodations impairs the right to education and amounts to indirect discrimination against persons with

disabilities.

2.5 Additionally, in *Anamol Bhandari (Minor) Through His Father v. Delhi Technological University* (Delhi High Court, 2012), the Court held that persons with disabilities are socially backward and entitled to the same benefits as SC/ST candidates, such as relaxation in minimum qualifying marks for admission. The Court observed that ***"people suffering from disabilities are also socially backward, and are therefore, at the very least, entitled to the same benefits as given to the Scheduled Class/Scheduled Tribes candidates."*** It further ruled that accessibility is a prerequisite for participation, requiring institutions to provide reasonable accommodations like making concessions to ensure barrier-free access to education, preventing discrimination and enabling equal opportunities.

2.6 In light of the Delhi High Court's Division Bench judgment in **G.D. Goenka Public School v. Aadriti Pathak** delivered on September 23, 2025, wherein This Court unequivocally reaffirmed that *inclusive education* under the RPwD Act is a **statutory**, not discretionary, right, and that recognized private schools must admit children with disabilities without discrimination and provide **reasonable accommodations**, such as shadow teachers to facilitate their full participation — it is recommended through the present suo motu proceedings that the GNCTD and the private schools in Delhi to adopt **mandatory institutional policies** for inclusive education, ensure prompt provision of accommodations tailored to individual needs, and report quarterly to the Commission on steps taken and outcomes achieved, failing which penal or supervisory measures under Section 89/93 of the RPwD Act may be invoked.

2.7 This Court recommends that the Government Respondents (R1 & R2) issue binding directives for CBSE schools to comply with the accessibility standards as per sections 40 and 42 of the RPwD Act, read with Rule 15 of the RPwD Rules; establish a state-level monitoring mechanism; and review the 3% CWSN within the EWS quota policy to ensure equitable access. The government respondents shall also take measures to ensure that all private schools appoint at least one trained special educator per 30 CWSN within 3 months; ensure digital platforms, admission portals, and study materials comply with ICT accessibility standards; and prohibit denial of admission based on disability. In general, all respondents should collaborate with NGOs and adopt international best practices for inclusive education.

2.8 All respondents must submit an Action Taken Report (ATR) within 3 months

under Section 76 of the RPwD Act, with non-compliance attracting penalties under Sections 89 and 93.

2.9 Accordingly, the case is closed with the approval of the Chief Commissioner for Persons with Disabilities.

(Rajesh Aggarwal)
Chief Commissioner