



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/14344/1033/2023

In the matter of:

Ms. Padmaja Nanda

...Complainant

Versus

The Secretary,

Central board of Secondary Education **...Respondent No. 1**

The Principal,

Akshara Vaagdevi International School **...Respondent No. 2**

1. Gist of the complaint:

1.1. Smt. Padmaja Nanda, mother of Shri Shaurya Ray, a person with 60% Autism Spectrum Disorder, filed a Complaint dated 24.07.2023 regarding not cooperating and not teaching the subjects assigned by CBSE.

1.2. The Complainant's son, Master Shaurya Ray, aged 15, with Mild Autism, was studying in class 9 at Akshara Vaagdevi International School, Secunderabad, affiliated to CBSE. The school allegedly failed to implement CBSE exemptions for subjects like Science and Mathematics, did not teach Home Science and Art despite charging fees, issued false report cards with fabricated marks for unadministered exams, forced six subjects instead of five, denied permission for a shadow teacher initially, and showed non-cooperation in LOC registration for

exemptions. The issues arose in Secunderabad, Telangana, during the 2022-2023 academic year, leading to harassment and denial of educational rights.

2. Notice issued to the respondents:

2.1 In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the RPWD Act"], a notice dated 31.07.2023 was issued for violation under sections 3, 21, 23, 75 of the Act to the above-mentioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1. The CBSE issued an exemption letter dated 14.04.2023 allowing the child to offer five subjects to fulfill passing criteria, with one compulsory language. They forwarded the complaint to the school for action and, in communications dated 24.06.2022 and 31.07.2023, clarified procedures for subject changes via SOP, but noted the school handles LOC registration and compliance.

3.2. The school, vide emails dated 17.11.2023 and 21.11.2023, denied non-cooperation, stating they provided maximum support, facilitated parental shadowing after NCPCR intervention, conducted classes for Home Science and Art (tailored individually), issued accurate report cards based on assessments, attempted meetings despite parental absence, and followed CBSE guidelines. They claimed the parent's allegations were false and requested case closure.

4. Rejoinder filed by the Complainant:

4.1. The Complainant, vide email dated 26.11.2023, rebutted the school's claims point-by-point with evidence: no agreement for parents to teach Home Science, no Art exams or activities conducted despite fees, false marks assigned, chats showing directors' refusal to meet, NCPCR and CBSE letters for exemptions ignored, photos of untaught classes and sleeping special child, and persistent follow-ups with CBSE ignored by school.

4.2. Additional disability certificate dated 20.07.2023 confirming 60% temporary Autism Spectrum Disorder, valid till 20.04.2026, and UDID card submitted on 04.04.2024, emphasizing ongoing non-resolution over a year.

5. Hearing:

5.1 A hearing in hybrid mode (online/offline) was conducted on **17.04.2025**. The following parties/representatives were present during the hearing:

S. No.	Name and Designation of the Party/Representative	For Complainant/Respondent	Mode of attendance
1.	Ms. Padmaja Nanda	Complainant	Online
2.	Mr. Kundan Kumar – Under Secretary, Central Board of Secondary Education (CBSE)	Respondent No. 1	Online
3.	Ms. Vanaja G. Principal, Akshara Vaagdevi International School (AVIS)	Respondent No. 2	Online

6. Record of Proceedings:

6.1. The Complainant, Ms. Panmaja Nanda, submitted that Respondent No. 2, the School Principal, had stated that merely sharing her phone number did not mean the Complainant was permitted to call and disturb her. The Complainant further submitted that the Principal had agreed to issue the Transfer Certificate (TC), which was accordingly collected. She stated that there was no communication from the school for seven to eight months, and the school called only after her ward was admitted elsewhere. The Complainant did not respond to those calls.

6.2. The Respondent No. 2 submitted that after the List of Candidates (LOC) was initially prepared for Term I, the respective subjects were taught. After confirmation of the LOC, the Complainant used to accompany her child and was allowed to act as a shadow teacher with the school's permission throughout the school hours. The child remained a bona fide student of the school from Class 4 to Class 9.

6.3. The Respondent No. 2 further submitted that the Complainant's child was the only student to opt for Home Science, and the school did not have a separate Home Science teacher. With the parents' consent, the Principal and Science teacher undertook to teach the subject. However, as Home Science was an additional skill subject, classes were held only once or twice a week, not six to

eight times as in core subjects.

6.4. The Respondent No. 2 explained that when the Complainant demanded the TC and the report card on the same day, a minor error occurred in the report card, possibly because the teacher concerned was unavailable. The school usually shared report cards in soft copy through its parent app, and the errors were later rectified. At the time of final results, considering the Complainant's ward's well-being, marks in five subjects were taken into account, in line with CBSE norms, as the child was also handling an additional subject.

6.5. The Respondent No. 2 added that since Home Science was being taught for the first time in the school, regular eight periods could not be arranged. Nevertheless, discussions were held with both parents, who regularly interacted with the school, and the mother used to visit the school daily. It was, therefore, surprising to the school that allegations of non-cooperation were being raised.

6.6. The Respondent No. 2 further submitted that the Principal, being the usual point of contact, was available to the Complainant on a daily basis. The Complainant, however, approached the Director, who was not regularly available, nor could she visit the school regularly. The Director, therefore, advised the Complainant to speak with the Principal directly.

6.7. The Complainant, however, submitted that the school did not teach Home Science at all in class 9. In class 10, it was taught only to a limited extent. The Respondent No. 2/ Principal used to stay busy teaching her subjects. It would have been very difficult for the child to study the syllabus of two years in one go without having been taught anything at all. She further submitted that in the Arts subject also, she had informed the Principal that Arts would also have a theory exam, but no written tests were conducted, and it was treated only as a practical subject.

6.8. The Complainant contended that the school initially did not allow her to act as a shadow teacher, and only permitted it after directions from the National Commission for Protection of Child Rights (NCPCR) in 2017.

7. Observations and recommendations:

7.1. The Court observes that such disputes cannot be conclusively resolved only on the basis of oral submissions, as a retrospective situational assessment is not possible. CBSE has clear guidelines regarding academic assessment and subject selection, and the school was required to maintain proper records accordingly. The Respondent No. 2 has admitted that there was a clerical error in

the report card, which was subsequently rectified.

7.2. The Court notes that the Complainant's ward, being an autistic child, studied at the school without issue from Class 4 until Class 8, and problems arose only in Class 9. Therefore, it would not be appropriate to attribute full responsibility to the school. The Court advises that such misunderstandings should be resolved amicably, rather than through confrontation.

7.3. The Court observes that since the complaint was filed in 2023, and the ward has since obtained a Transfer Certificate and is now studying in Class 12 in a different school, it is not reasonable to take action against the school at this stage.

7.4. At the same time, the Court underscores the mandate of Sections 16 and 17 of the Rights of Persons with Disabilities Act, 2016, which cast a statutory duty upon educational institutions to provide inclusive education and to ensure that children with disabilities are not denied admission and are provided necessary support and reasonable accommodation in learning. The Supreme Court, in *Avni Prakash v. National Testing Agency and Ors.*, (2023) 2 SCC 286, and in *Disabled Rights Group and Anr. v. Union of India and Ors.*, (2018) 2 SCC 397, has reiterated that the right to inclusive education is an essential component of the right to equality and dignity under the Constitution. Schools are therefore expected to adhere to these principles in both letter and spirit.

7.5. The Court advises the school to continue catering to the needs of students with disabilities who are presently enrolled and to strengthen mechanisms for inclusive education in line with statutory provisions and judicial pronouncements.

7.6. Accordingly, the matter stands disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities