





सत्यमेव जयते

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/16155/1033/25

**Dated:** 22/09/2025

Shri Abhishek Pareek,

(Father of Master Arnav Pareek)

**...Complainant**

**Versus**

The Principal, Mayoor School,

Ajmer

**...Respondents**

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

1.1 Shri Abhishek Pareek, father of Master Arnav Pareek, a student with 40% certified Specific Learning Disability (SLD), studying at Mayoor School, Ajmer, filed a complaint alleging that the Respondent School, Ajmer, systematically denied Master Arnav his statutory rights to inclusive education under the Rights of Persons with Disabilities Act, 2016 (RPwD Act), CBSE CWSN Guidelines, and the National Education Policy (NEP), 2020.

1.2 The Complaint highlighted: lack of early intervention despite evident difficulties, non-preparation of an Individualized Education Plan (IEP), arbitrary denial of subject substitution, absence of curriculum adaptation and alternative evaluation, unfair supplementary examinations, discriminatory marking practices, and systemic neglect over several years.

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1.3 The reliefs sought included: immediate promotion to Class X with accommodations, accountability for negligence, written assurance of non-retaliation, and compensation of ₹25 lakhs for academic and emotional loss.

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

2.1 A Notice for Reply/Comments-cum-Hearing dated 16.07.2025 was issued to Respondents u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 ("the Act"), for forwarding their comments on the complaint by 15.08.2025 to this Court and to appear before the Court on 15.09.2025.

## **3. Reply from the Respondents:**

3.1 An interim reply was filed on 31.07.2025, wherein the Respondent School submitted that:

- (a) It had no prior knowledge of disability until the Dyslexia Certificate was furnished on 30.05.2024;
- (b) thereafter, the School provided concessions such as exemption from second language, subject substitution (Artificial Intelligence), compensatory time, and offer of scribe (allegedly declined by the parent);
- (c) Supplementary examinations were allowed in three subjects, even though CBSE rules permit a maximum of two.
- (d) Despite concessions, the student did not qualify, hence repetition of Class

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IX was recommended.

(e) The School employs qualified special educators and is compliant with CBSE and RPwD requirements;

(f) Allegations of negligence are unfounded, and instead, the father's conduct adversely impacted the child.

**4. Submission made in Rejoinder:**

4.1 The Complainant filed a rejoinder alleging: (a) prior knowledge by the School as the child had participated in its remedial programme "Prayaas" in Classes IV-V; (b) refusal of subject substitution despite repeated verbal requests; (c) absence of IEP, remedial sessions, or adapted curriculum; (d) supplementary exams unfairly conducted without adequate preparation time; (e) penalization for spelling errors contrary to CBSE rules for SLD students; (f) CCTV evidence selectively used while withholding inclusive education records; (g) systemic neglect over nearly a decade in violation of Sections 16, 17, and 31 of the Act.

**5. Hearing (I):**

5.1 A hearing in hybrid mode (online/offline) was conducted on 15.09.2025; the following parties/representatives were present during the hearing:

Sl. No	Name of the parties /Representatives	Parties	Mode
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1.	Shri Abhishek Pareek (father of the child)	Complainant	Online
2.	Sindu Chaturvedi (Vice-Principal of Mayoor School)	For Respondent	Online
3.	Ms. Divya Khanna, Coordinator	For Respondent	Online

5.2 The Complainant pressed for immediate promotion to Class X and accountability for negligence. The Respondents sought ten days' further time, which the Court declined in the interest of the child's academic need and considering the fact that the statutory time limit of 45 days had already expired. The Respondent was permitted to file documents by the end of the day, and the hearing was rescheduled for the next day. Accordingly, an affidavit with Annexures A, B, and C was filed. On 15.09.2025, the Respondents filed a detailed Affidavit with Annexures A, B, and C, reiterating these points and annexing records of special educator appointments, concession documents, and internal correspondence.

## 6. Hearing (II):

6.1 A second hearing in hybrid mode (online) was conducted on 16.09.2025. The following parties/representatives were present during the hearing:

Sl. No	Name of the parties /Representatives	Parties	Mode
1.	Shri Abhishek Pareek (father of the child)	Complainant	Online

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2.	Ms. Divya Khanna (Coordinator)	For Respondent	Online
3.	Adv. Ashok Sagar (Counsel of Respondent)	For Respondent	Online

6.2 The school stated that all reasonable accommodations under Section 16 of the Act were offered, including subject substitution (Math/Social Science replaced with Painting & AI), exemption from attendance, and language relaxation. The school contended that the parent did not avail themselves of some of these accommodations. The school further argued that, in the interest of the child's academic readiness, it recommended repetition of Class IX, as the child was not adequately prepared for Class X board exams.

6.3 The Complainant alleged that his son, a student with specific learning disability, was not provided appropriate accommodations and support by the school as required under the Act and CBSE guidelines. He also raised issues like non-provision of a scribe and special educator despite prior requests, unilateral change of subject from Music to Social Science, a writing-intensive subject unsuitable for the child. The Complainant emphasised that the child had been part of the school's internal remedial programme (Prayas) since Class III, which clearly showed the school's knowledge of his disability. Despite repeated verbal requests at PTMs for accommodations such as a scribe, extra time, and a special educator, these were denied.

## 7. Observations:

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7.1 In response to a query of the Court, the Respondents clarified that the formal disability certificate was submitted only in May 2024; thereafter, concessions were provided. The Respondents emphasized that no written requests for accommodations were made by the parent, and the School extended supplementary examinations beyond CBSE norms, which provides for the same for students who failed in a maximum of two subjects. In response to another query, the Respondent submitted that the child's performance in the lower classes was not satisfactory. He failed to get the qualifying marks even in Class VIII. However, owing to the RTE Act, he was promoted to Class IX.

7.2 The Complainant also confirmed that no document establishing the disability of the child was submitted to the school prior to May 2024, and requests for change of subjects were made during interactions in the various PTMs, but not in writing. The Complainant, however, reiterated that the school was aware of the disability of the child through their own internal remedial programme (Prayas), when the student was in Class III.

7.3 After hearing both parties, this court observed that the grievance was premised on the alleged denial of statutory rights under the Act. However, the record shows that post-certification, the school provided concessions and exceeded CBSE relaxations. Nonetheless, early indicators via "Prayaas" suggest proactive obligations under Section 16 were partially unmet.

7.4 For the Respondents' reference and clarity on the instant and all other similarly placed cases, this Court emphasised that while schools carry the primary statutory obligation under the Act to ensure inclusive education, parents too are

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expected to place formal requests in writing to enable accountability, particularly when the verbal requests remained unactioned for such a long time. The School's willingness to extend an additional supplementary examination demonstrates good faith compliance. At the same time, the Respondent is reminded of its continuing obligations under Sections 16, 17, and 31 of the RPwD Act, to: prepare Individualised Education Plans for CWSN students; maintain written records of accommodations; sensitise teachers on inclusive pedagogy; and avoid penalising disability-related errors (e.g., spelling in SLD cases). Compliance with CBSE Circulars, NEP 2020, and DoSEL Guidelines must be institutionalised and not dependent on parental follow-up.

7.5 The Court also observed that the decision of the parents not to send the child to attend school during these proceedings, even if it meant a repeat of Class IX, did not help the child in any way.

## **8. Recommendations:**

8.1 Accordingly, the Court found and recommended the following:

- (a) The Court is not inclined to pass any recommendation for promotion of Master Arnav Pareek to Class X. It is in his own interest to repeat the class, so as to be able to prepare well for his Class X Board examinations.
- (b) The Complainant shall ensure that the student reports to school without any further loss of his studies.
- (c) The school and parents will work cohesively in the best interest of the

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child, and there should be no hostility on account of these proceedings. The Respondents shall provide a written assurance against any retaliation towards the Child or Complainant.

(d) The school shall immediately appoint/assign a qualified Special Educator and prepare a comprehensive Individualised Education Plan (IEP) within 30 days, in consultation with parents, as mandated under the Act.

(e) The school shall provide reasonable accommodations, including compensatory time and scribe facility in examinations, if the student is eligible for the same and makes a formal request.

(f) The demand of ₹25 lakhs in compensation is beyond the jurisdiction of this Court and hence rejected.

(g) In terms of Section 76 of the Act, the respondents are recommended to submit the Action Taken Report on this Order within 3 months from the date of this Order.

**9.** Accordingly, the case is disposed of.

**Yours faithfully,**

**(S. Govindaraj)  
Commissioner**

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