



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-AD-0075/2026

In the Matter of

Complainant

Shri Kumara Swami

Versus

Respondent

The Commissioner, Kendriya Vidyalaya Sangathan (KVS)

1. Gist of the Complaint

1.1 The Complainant, Shri Kumara Swami, acting on behalf of his son, Master Srivatsan, a student with 50% Intellectual Disability and Mild Autism, submitted a grievance dated 02.07.2026 against the Kendriya Vidyalaya Sangathan (KVS). The Complainant alleged that his son had been detained in Class V by Kendriya Vidyalaya, Picket, Hyderabad, and consequently denied promotion to Class VI. He contended that the school failed to provide the reasonable accommodations mandated under the Rights of Persons with Disabilities Act, 2016, including the preparation and effective implementation of an Individualized Education Program (IEP), appropriate curriculum adaptation, and specialised educational support. He further submitted that an RTI response dated 25.05.2026 issued by the KVS Regional Office acknowledged that no separate IEP document was available on record and that the school had not been provided with the services of a dedicated Special Educator for a substantial part of the academic session. According to the Complainant, these omissions deprived the child of meaningful educational support and constituted non-compliance with Sections 16 and 17 of the RPwD Act, 2016. He accordingly requested that his son be promoted to Class VI with suitable

academic accommodations and specialised educational interventions.

2. Hearing

2.1. A preliminary hearing was conducted on 14.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Kumara Swami	Complainant
2.	Shri Deepak Kumar Dabral, Assistant Commissioner (Academics)	Respondent
3.	Smt. G Krishnaveni, Assistant Commissioner	Respondent
4.	Shri Roopinder, Principal	Respondent
5.	Smt. P S Nagalakshmi, Headmistress	Respondent

3. Record of Proceedings

3.1 During the proceedings, the Respondent representatives from KVS Headquarters, the Regional Office, and Kendriya Vidyalaya, Picket, submitted that the institution had made continuous efforts to ensure inclusive education for the student. It was submitted that the school had prepared Individualized Education Plans integrated within the teachers' lesson diaries for Children with Special Needs (CWSN), provided assistive devices wherever required, and adopted various classroom accommodations. With regard to the availability of a Special Educator, the Respondents explained that although a qualified educator had been appointed in April 2025, the incumbent resigned shortly thereafter for personal reasons, and another Special Educator served between August and October 2025. Thereafter, despite repeated recruitment efforts, the vacancy could not be filled due to the limited availability of qualified professionals. The Respondents further submitted that, in the intervening period, the regular teaching staff voluntarily undertook additional responsibilities by preparing customised worksheets, conducting oral assessments, and extending individual academic support to ensure that the student continued to receive educational assistance.

3.2 The Principal further submitted that the detention of the student was carried out in accordance with the revised promotion and detention policy issued by the

Ministry of Education, which prescribes a minimum qualifying standard of 33% for promotion in Classes V and VIII. It was submitted that despite repeated remedial interventions, individual attention, and relaxation in internal oral assessments, the student was unable to secure the prescribed minimum marks in English, Hindi, Mathematics, and Environmental Studies. The Principal also stated that the student's significant communication limitations, lack of eye-contact, and learning challenges adversely affected his academic performance notwithstanding the support extended by the school.

3 . 3 Upon consideration of the submissions made by both parties, the Court observed that while the Respondents had demonstrated efforts towards inclusive education, the prolonged absence of a qualified Special Educator remains a matter of concern. The statutory obligation to provide inclusive education under Sections 16 and 17 of the RPwD Act, 2016 extends beyond general classroom support and requires the availability of appropriate professional expertise wherever reasonably necessary. The Court observed that although the efforts of the regular teaching staff are appreciable, such arrangements cannot ordinarily substitute the specialised pedagogical interventions expected from a trained Special Educator, particularly for children with intellectual disabilities and autism who require structured, individualised educational strategies.

3.4 The Court further observed that an Individualized Education Program (IEP) should not be viewed merely as a formal document but as a dynamic educational framework designed to identify the child's individual learning barriers and prescribe appropriate pedagogical interventions, reasonable accommodations, assessment modifications, and measurable learning outcomes. The Court noted that effective implementation of an IEP requires periodic review and specialised educational inputs tailored to the child's functional abilities. The Court also observed that the existing academic framework for Classes I to VIII provides limited curricular flexibility despite the diverse educational needs of children with disabilities. In this regard, the Respondents acknowledged the concerns raised during the proceedings and expressed their willingness to place the issue before the appropriate authorities for consideration.

3.5 In view of the foregoing, the Court is of the considered opinion that the educational needs of the child would be best served through strengthened institutional support rather than immediate adjudication on the issue of promotion alone. Accordingly, the Respondents are advised to review the educational interventions presently being provided to the student, make all reasonable efforts

to ensure the availability of a qualified Special Educator at the earliest, revisit the implementation of the child's Individualized Education Program to ensure that it adequately addresses his specific learning requirements, and consider providing structured remedial support together with an appropriate academic reassessment, wherever permissible under the applicable rules and educational policy.

3.6 The Respondents are further recommended to submit an Action Taken Report to this Court within 21 days, detailing the steps taken pursuant to the above observations, including the status of appointment of a Special Educator, implementation of the IEP, remedial measures undertaken, and the decision arrived at regarding the student's academic progression. Consequently, the Court has determined no intervention necessary.

4. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities