



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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DNO/26/CCPD/6106

Complainant

Sh. Parth Kumar Sain

Vs

Respondent

The Commissioner, Kendriya Vidyalaya Sangathan

Rajasthan Region

1. Hearing: The matter was taken up for preliminary/admissibility hearing on 30.04.2026 through hybrid mode, wherein the Complainant, Shri Parth Kumar Sain was represented by his father, Shri Anand Kumar Sain. On behalf of the Respondent the following representatives were present:

(i) Shri Deepak Kumar Dabral, Assistant Commissioner, Academic Section, KVS (HQ).

(ii) Sh. Madho Singh, Assistant Commissioner, KVS, RO-JAIPUR

(iii) Sh. G.D. Meena, Principal, PM SHRI KV, Alwar, Rajasthan

2. Proceedings of the Hearing

2.1 At the outset, the gist of the complaint was placed on record. The Complainant alleged discrimination by the school administration, inadequate provision of scribe facilities and other necessary examination support, resulting in his being declared unsuccessful in Class IX. It was

further alleged that the school administration had not adequately monitored the functioning of the scribe and had also pressurised the family to obtain a Transfer Certificate. The Complainant had sought a re-examination with appropriate scribe support and necessary corrective action.

2.2 The representative of the Complainant submitted that the student had faced difficulties in availing appropriate scribe support and other assistance during examinations. The Complainant's side also raised concerns regarding the availability of adequate support and sensitisation at the school level.

2.3 The Respondent side explained the procedure followed for providing scribes and stated that, as per the applicable examination provisions, a scribe may ordinarily be from a lower class. It was also submitted that the student had been provided examination-related facilities, including extra time and other permissible accommodations.

2.4 During the hearing, the Court sought specific details regarding the marks obtained by the student in different subjects and the prescribed passing criteria. The Respondent informed that the student was required to secure 33% marks separately in each subject. The marks placed before the Court indicated that the student had secured comparatively low marks in certain subjects, including 22 marks in Mathematics, while his performance in other subjects was relatively close to the prescribed passing level.

3. Observations and Recommendations

3.1 The Court observed that the issue of providing a scribe to a student with blindness requires a sensitive and reasonable approach. While the prescribed eligibility regarding the class level of a scribe may be followed, it is equally important to ensure that the scribe is capable of adequately understanding the student's dictation and accurately recording the answers. The Court observed that mere mechanical adherence to the class-level requirement should not result in prejudice to the student.

3.2 The Court further observed that schools should adequately counsel parents and students regarding available subject choices and

accommodations. It was noted that where a student with disability experiences difficulty in certain regular subjects, appropriate alternative subject options available under the applicable framework should be explained to the parents so that the student can pursue education with greater ease.

3.3 The Court also emphasised that no school management or teacher should insist upon a student with disability taking a Transfer Certificate merely because the student is facing academic or disability-related difficulties. The approach of the school should be supportive and oriented towards providing reasonable accommodation and enabling the student to continue his education.

3.4 The Court observes that Section 3 of the RPwD Act, 2016 embodies the principles of equality and non-discrimination, while Section 16 requires educational institutions to ensure inclusive education and prevent discrimination against students with disabilities. The Court further notes that Section 17 provides for measures to promote inclusive education, including training of teaching and other personnel and monitoring of participation of persons with disabilities in education. Also, Section 31 provides for free education to children with benchmark disabilities up to the age of 18 years and promotes inclusive education.

3.5 The KVS is advised to examine the Complainant's case and consider a re-test/re-examination in subjects in which he has fallen short of the prescribed passing marks, in accordance with applicable rules. Alternative subject options may also be explored, wherever permissible.

3.6 The KVS shall ensure appropriate and competent scribe support and other permissible examination accommodations for students with disabilities, consistent with the principles of reasonable accommodation and inclusive education.

3.8 The KVS is advised to sensitise the Principals, teachers, counsellors, special educators and other concerned personnel regarding disability rights, reasonable accommodation and examination support, in furtherance of Sections 16 and 17 of the RPwD Act, 2016. In furtherance, it is recommended to prepare a country-wide plan for compulsory training/capacity-building of stakeholders in KVS schools on disability inclusion, reasonable accommodation and examination support, and

furnish the Action Taken Report before this Court within 60 days of the receipt of this Order.

3.9 No student with disability should be discouraged or pressurised to obtain a Transfer Certificate on account of disability or academic difficulties. The school shall adopt an inclusive and supportive approach and provide appropriate reasonable accommodation, consistent with Sections 3 and 16 of the RPwD Act, 2016.

4. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities