



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

Diary No. DNO/26/CCPD/6349

Dated: 02/09/2026

Case No: DNO/26/CCPD/6349

In the Matter of

Complainant

Shri Bavyesh Badhwar (represented by his mother Ms. Vinkle Badhwar)

Versus

Respondent(s)

1. The Chairman, CBSE
2. The Principal, Seth Hukam Chand SD Public School, Kapurthala
3. The Chairman, ICSE (impleaded)

1. Background of the Case

1.1 The Complainant, parent of Master Navesh, a 7½-year-old child with autism spectrum disorder (ASD), submitted that the child had been studying at Seth Hukam Chand S.D. Public School for the last four years. It was stated that after the child's diagnosis, the parents informed the school and arranged occupational therapy, behavioural therapy, and speech therapy. According to the Complainant, the school advised the parents to provide a helper until it appointed a Special Educator as required under the applicable guidelines. However, despite accepting the admission fee for Class I for the academic session 2026-27, the school allegedly refused to permit the child to continue from the second day of the academic session. The Complainant further submitted that repeated representations were made to the school and the concerned educational authorities regarding the appointment of a Special Educator, but no effective action was taken. It was also alleged that no school in Kapurthala had appointed a Special Educator despite such appointment being mandatory under the applicable educational guidelines, resulting in the child being deprived of his right to education.

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2. Hearing

2.1. A preliminary hearing was conducted on 05.08.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1	Ms. Vinkle Badhwar	Complainant
2	Mr. Sandeep Rajpal, Principal Primary Secy	Respondent 1
3	Ms. Sonia, Principal	Respondent 2

3. Record of Proceedings

3.1 The Respondent No. 2, represented by its principal, submitted that the complaint was misconceived and that no discriminatory action had been taken on the ground of disability. It was contended that at the time of admission and during the subsequent academic sessions, the parents had not disclosed the child's diagnosis of autism spectrum disorder or furnished any disability certificate, UDID card, or medical records requiring special educational support. The Respondent stated that the school had nevertheless accommodated the child in the regular classroom and, upon observing increasing behavioural challenges, repeatedly engaged with the parents, permitted a support helper inside the classroom for approximately six months, and later advised the parents to arrange a shadow teacher. It was further submitted that the parents themselves sought withdrawal of the child and refund of the fees, which the school processed in good faith. The Respondent maintained that all actions were guided by concerns relating to classroom functioning, student safety, and educational welfare rather than the child's disability, and asserted that reasonable accommodation had been provided to the extent possible within the school's available resources.

3.2 The Complainant, in response, submitted that the diagnosis of autism was made after the child's admission and that behavioural issues emerged subsequently as part of the child's disability. It was contended that the core issue was the school's failure to appoint a Special Educator as mandated under the applicable guidelines. The Complainant also clarified that the request for refund of fees was made only

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because the child had not been permitted to continue attending school. It was further submitted that the child continues to remain out of school and that no school in Kapurthala has appointed a Special Educator, thereby adversely affecting the educational rights of children with autism. The Complainant requested that the Respondent disclose the details of the Special Educator, if any, appointed by the school.

3.3 Upon hearing both parties, the Court observed that the appointment of a Special Educator is a mandatory requirement for all schools, irrespective of whether they are aided, unaided, self-financed, or affiliated with any particular educational board. The Court further observed that no educational institution could claim exemption from this obligation and noted that the absence of a Special Educator appeared to be the principal issue arising in the present matter. The Court also observed that while the Respondent No. 2 had made certain efforts to accommodate the child, the appointment of a qualified Special Educator could have substantially addressed the difficulties faced by the child.

3.4 During the proceedings, the Court sought clarification from the Respondent No. 2 regarding the number of children with special needs enrolled in the school. The Respondent No. 2 submitted that no other child with special needs was studying in the institution and acknowledged that the school presently lacked a Special Educator. The Court observed that every school is expected to have children requiring specialized educational support, including children with disabilities and slow learners, and therefore cannot justify non-appointment of a Special Educator on the ground of low enrolment of children with disabilities.

3.5 The representative from CBSE, Respondent No. 1, who joined during the proceedings, clarified that the Respondent School was not affiliated with CBSE but with ICSE. The Court observed that, irrespective of the board of affiliation, the issue concerning appointment of a Special Educator required examination. The Court further observed that the Complainant may approach the appropriate educational authorities for facilitating admission of the child to a suitable school, while the comments of the concerned educational board would also be obtained for appropriate consideration.

3.6 Accordingly, the Court recommended the Respondent No. 2 to appoint a qualified Special Educator and submit an Action Taken Report within thirty (30) days. The Court further recommended the Respondent to furnish the Curriculum Vitae (CV), educational qualifications, and appointment details of the recruited Special Educator along with the Action Taken Report for verification by the Commission.

3.7 In view of the foregoing, the Court recommended that comments be obtained from the concerned educational boards, Respondent No. 1 and Respondent No. 3, regarding the issues raised in the complaint and the measures available for redressal of the Complainant's grievance, particularly with respect to

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facilitating admission of the child in an appropriate educational institution. The Respondent No. 2 was further recommended to submit an Action Taken Report regarding the appointment of a qualified Special Educator, along with the Curriculum Vitae (CV), educational qualifications, and appointment details of the recruited Special Educator for verification by the Court. Consequently, the Court has determined no further intervention necessary.

4. Consequently, the case is disposed of.

Yours faithfully,

**(S. Govindaraj)
Commissioner**

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