



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/6404

Dated: 26/09/2026

In the matter of—

Ms. Praavya Shreyaskumar Joshi

(Complainant)

Versus

The Secretary

Ministry of Education

(Respondent)

1. Background of the Case

1.1 The Complainant, Ms. Surbhi Joshi has filed the present complaint in her capacity as the mother and natural guardian of her minor daughter, Praavya Joshi, a child with 80% Autism Spectrum Disorder.

1.2 The Complainant has alleged that the Department of School Education & Literacy, Ministry of Education, has failed to effectively implement the right to free education for children with benchmark disabilities up to the age of 18 years under Section 31 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016).

1.3 The Complainant has submitted that the general entitlement to free and compulsory education under the Right of Children to Free and Compulsory Education Act, 2009, extends up to the age of 14 years or Class VIII, whereas Section 31 of the RPwD Act, 2016, provides for free education to children with benchmark disabilities between the ages of 6 and 18 years. She has contended that the existing educational framework does not adequately provide for the effective implementation of this statutory entitlement.

1.4 The Complainant has further submitted that she had approached the Respondent through grievance portals and that her grievance was closed on 13.07.2026, with the response that her suggestions had been forwarded to the Policy Division for consideration while formulating the future framework of Samagra Shiksha 3.0. She has alleged that the matter has thereby been deferred to a future policy framework.

1.5 The Complainant has also raised concerns regarding the applicability of the entitlement to recognised private schools and has sought the issuance of guidelines for extending free education to children with

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benchmark disabilities up to Class XII in the school of their choice.

1.6 The Complainant has requested to ensure the effective implementation of the right to free and inclusive education up to the age of 18 years for children with benchmark disabilities.

2. Notice of Admissibility

2.1 A notice dated 24.08.2026 under Sections 75 and 77 of the RPwD Act, 2016, was issued to the Respondent for consideration and to ascertain whether the matter could be resolved without further quasi-judicial intervention of this Court.

3. Hearing

3.1 A preliminary hearing was conducted on 03.09.2026. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Ms. Surbhi Joshi (Mother of Praavya Joshi)	On behalf of the Complainant	Online
2.	Ms. Ira Singhal, Deputy Secretary & Ms. Sonal Sankhla, Section Officer, Department of Social Education and Literacy	For Respondent	Online

4. Record of Proceedings

4.1 At the outset, the Court heard the Complainant, who reiterated her grievance regarding the implementation of Section 31 of the RPwD Act, 2016, and the need for appropriate guidelines to ensure free education for children with benchmark disabilities up to the age of 18 years.

4.2 During the hearing, Ms. Ira Singhal, Deputy Secretary, Department of School Education & Literacy, Ministry of Education, submitted that free education for children with special needs is already available in

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the government school system up to Class XII. The Respondent also submitted that promotion to higher classes, particularly in Classes IX to XII, is subject to the applicable examination and academic requirements of the preceding class.

4.3 The Complainant clarified that her concern was not confined to government schools and that she also sought clarification regarding the applicability of the entitlement to private schools. She referred to the provision relating to a school of the child's choice and requested that the Respondent issue appropriate guidelines in this regard.

4.4 The Court observed that the Complainant had not identified any particular school where admission or free education had been denied to her daughter. Upon being specifically asked whether any school had refused admission or denied the benefit of free education to the child, the Complainant stated that no such denial had taken place. Her grievance was primarily in the nature of a representation seeking clarification and effective implementation of the statutory entitlement.

4.5 The Court observed that the Complainant had raised a general concern regarding the implementation of the right to free education under Section 31 of the RPwD Act, 2016. However, in the absence of a specific instance of denial of admission, free education or any other violation of the rights of the child, no individual grievance requiring adjudication could be identified in the present matter.

4.6 The Court further observed that, in case the Complainant encounters any difficulty in securing free education for her daughter, including denial of admission or any other instance of discrimination or violation of the applicable provisions of the RPwD Act, 2016, she may approach this Court with the relevant particulars and supporting documents for consideration of the specific grievance.

4.7 The Court also advised the Complainant to identify a suitable government school in the neighbourhood or another appropriate educational institution providing education to children with special needs, and to approach the concerned institution for the benefit of her daughter.

5. Observations & Recommendations

5.1 The Complainant is advised to approach a suitable neighbourhood government school or other appropriate educational institution for securing the benefit of free education for her daughter, in accordance with the applicable provisions of law.

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5.2 In the event of any specific denial of admission, free education or other violation of the rights of her daughter, the Complainant may file a fresh complaint before this Court, clearly indicating the particulars of the concerned institution, the nature of the grievance and the relief sought, along with relevant supporting documents.

5.3 Accordingly, in view of the absence of any specific instance of denial of admission, free education or discrimination in the present matter, the complaint is dismissed at the admissibility stage. The Complainant is at liberty to approach this Court with a fresh complaint in the event of any specific violation of the rights of her daughter.

Yours faithfully,

**(S. Govindaraj)
Commissioner**

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