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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**Diary No:** DNO/26/CCPD/6236 **Case No:** 16505/1032/2026

**In the matter of:**

**Complainant**

Master Gauransh Gulati

(Represented by Ms. Geetanjali Kalra, M/o Gauransh Gulati)

**Versus**

**Respondent(s)**

1. The Secretary,

Central Board of Secondary Education (CBSE), Delhi

(secy-cbse@nic.in and chmn-cbse@nic.in) **…Respondent (1)**

2. The Principal & The Managing Committee,

Apeejay School, Pitampura

(skool.pp.del@apj.edu & skool.ss.int@apeejay.edu) **…Respondent (2)**

## 1. Gist of the Complaint

1.1 The Complainant Gauransh Gulati (represented by his mother Ms. Geetanjali Kalra), a Class V student at Apeejay School, Pitampura, has filed a complaint dated 21.04.2026 alleging that the school failed to provide mandated reasonable accommodations for their son, who is a certified person with disabilities (Thalassemia Major and Specific Learning Difficulty). The Complainant's

representative contend that this denial led to the student failing a Hindi retest by a narrow margin, which they argue is a direct violation of the RPWD Act, 2016, and established government guidelines regarding inclusive education. She is seeking the CCPD's intervention to secure the child's promotion to the next class, either through the awarding of grace marks or a reassessed examination with proper accommodations, and to ensure the school's future compliance with inclusive academic standards.

**2. Hearing (I)**

2.1. A preliminary hearing was conducted in Diary No: DNO/26/CCPD/6236 on 29.04.2026 in hybrid mode, wherein the following parties/representatives were present:

| **Sl. No.** | **Name of the Parties / Representatives** | **On Behalf of** |
|---|---|---|
| 1. | Smt. Geetanjali Kalra | Complainant |
| 2. | Adv. Sparsh Chaudhary | Complainant |
| 3. | Smt. Veena Goyal, Principal | Respondent 2 |
| 4. | Shri Bharat Bhushan, General Manager | Respondent 2 |
| 5. | Smt. Praveen, Primary In-charge | Respondent 2 |
| 6. | Smt. Ashima, Special Educator | Respondent 2 |

**3. Record of Proceedings**

3.1 The Complainant, Ms. Geetanjali Kalra, alleged that the withdrawal of mandated "reasonable accommodations" under the RPwD Act, 2016, following a dispute over corporal punishment, directly led to her son’s failure in a Hindi retest, thereby necessitating the Court’s intervention for his promotion to Class VI via grace marks or a reassessment. Conversely, the Respondent School maintained that it strictly adhered to inclusive education policies and contended that the student was placed in the "Essential Repeat" category after failing to meet the 25% qualifying criteria in the retest, asserting that Rule 8.3.5 of the Department of Education (DoE) Promotion Policy prohibits the award of grace marks in such instances.

3.2 The Court observed the conflicting claims regarding the provision of accommodations and the exact marks obtained by the student. While the Respondent cited strict adherence to DoE guidelines and the transparency of the evaluation process, the Complainant maintained that the denial of a special educator and guidance during exams was a violation of statutory rights. The Court emphasized that because the matter pertains to a child's education, it must be resolved without undue delay.

**4. Respondent's reply to the Notice of Hearing**

4.1 The Respondent school, in its reply dated 29.04.2026, argues that the complaint should be dismissed because the parent allegedly concealed material facts and engaged in forum shopping by approaching multiple authorities. The school maintains that the student is a normal child rather than a child with disabilities because he passed retests in Mathematics and Science, which it considers more difficult than Hindi. According to the respondent, the student is ineligible for grace marks under Para 8.3.5 of the binding Directorate of Education guidelines and must be placed in the Essential Repeat category after failing the Hindi retest with 28.3 marks out of 100. Furthermore, the school denies allegations of unfair evaluation, claiming the mother viewed the answer sheets and unsuccessfully pressured the school to artificially increase the marks to secure a promotion.

**5. Rejoinder**

5.1 In the formal rejoinder dated 05.05.2026, the Complainant's representative asserts that the Respondent's characterization of the child as a "normal child" based on proficiency in Mathematics and Science is legally untenable and medically insensitive. Under the RPwD Act, 2016, disability status is determined solely by a competent medical authority; thus, a school's subjective assessment cannot supersede the psychoeducational evaluation from Sir Ganga Ram Hospital, which confirms the child meets the diagnostic criteria for Specific Learning Disability (SLD) and ADHD. It is a well-established educational fact that students with SLD may excel in quantitative subjects while struggling significantly with language-based tasks, a condition further compounded by the child's Thalassemia Major diagnosis, necessitating frequent blood transfusions and iron chelation therapy. These combined challenges directly impair academic stamina, and the school's duty to provide "reasonable accommodation" under Sections 16 and 17 of the RPwD Act, as well as the fundamental right to education under Article 21A of the Constitution of India, remains mandatory regardless of the child's performance in other areas.

5.2 Furthermore, the Complainant's representative contends that the school failed to comply with the CBSE Circular dated 12.04.2019, which mandates assistive support and compensatory time for students with blood disorders. The rejoinder alleges that the school acted with mathematical prejudice by refusing to round up a score of 15.5 to 16 in Hindi, choosing a narrow interpretation of promotion policies to penalize a disability-linked deficit. This administrative rigidity, coupled with allegations of regular corporal punishment and subsequent retaliation following a formal grievance dated 10.04.2026, suggests a hostile environment rather than one focused on the "Best Interests of the Child." The representative maintains that statutory medical determinations override informal school assessments, and the denial of mandatory PwD accommodations during retests constitutes a direct violation of established CBSE and RPwD Act mandates, unfairly impeding the student's academic progression.

## 6. Hearing (II)

6.1. A hearing was conducted on 14.05.2026 in hybrid mode, wherein the following parties/representatives were present:

| Sl. No. | Name of the Parties / Representatives | On Behalf of |
|---|---|---|
| 1. | Smt. Geetanjali Kalra | Complainant |
| 2. | Adv. Sparsh Chaudhary | Complainant |
| 3. | Shri Rajesh Kumar Kataria,<br>Additional Secy | Respondent 1 |
| 4. | Shri Pratap Singh,<br>Under Secy, Legal Cell | Respondent 1 |

## 7. Record of Proceedings

7.1 The Complainant, Ms. Geetanjali Kalra (mother of Master Gauransh Gulati), submitted a reiteration of her Complaint during the proceedings and mentioned that the UDID card of the student was already shared with the Respondent (2) at the time of admission.

7.2 The Court took serious note of the absence of Respondent (2) during the proceedings and observed that the school's failure to appear despite the service of due notice reflects a regrettable lack of cooperation with this quasi-judicial forum.

## 8. Observation and Recommendation

8.1 The Court notes the documents submitted indicates that despite the Complainant's representative specifically requesting academic support via email on 10.04.2026 and visiting the school on the day of the retest, no reasonable accommodations were provided. Furthermore, the Complainant's representative alleges a hostile administrative environment where her prior grievances were met with derisive remarks from the school management.

8.2 The Court evaluates the Respondent's actions against the statutory framework of the Rights of Persons with Disabilities (RPwD) Act, 2016, which mandates a transition from a welfare-based approach to a rights-based entitlement for students with disabilities.

***Section 16 (Duty of Educational Institutions)***

*This section creates a non-negotiable obligation for schools to provide "inclusive education". In this case, the school's attempt to reclassify the student as "normal" based on specific subject performance violates the statutory recognition of his disability status.*

***Section 17 (Specific Measures for Integration):***

*This mandates "suitable modifications in the examination system". For a student with SLD, this specifically includes providing compensatory time and a scribe or assistive support to mitigate the processing deficits associated with the condition.*

***Section 2(y) (Reasonable Accommodation):***

*This defines accommodations as necessary adjustments that do not impose a "disproportionate burden". Providing a special educator or extra time for a Hindi retest is a standard adjustment and cannot be considered a "burden" by an established institution.*

***Section 7 (Protection from Abuse):***

*This section mandates a non-discriminatory environment. The allegations of corporal punishment and "retaliatory" withdrawal of accommodations suggest a hostile environment that violates the child's right to a safe education.*

8.3 Under the CBSE notification dated 12.04.2019, students with Specific Learning Disabilities (SLD), such as Dyslexia and Dysgraphia, are explicitly granted concessions including the provision of a scribe, reader, or adult prompter

to assist with processing deficits, alongside flexibility in subject choices.

***Scribe/Reader/Prompter (Rule 3.ii):***

*CBSE allows for the discretion of a scribe or reader/adult prompter for students with SLD to assist with processing deficits.*

***Specific Concessions for SLD (Annexure-C):***

*For Specific Learning Disabilities (Dyslexia/Dysgraphia), the guidelines explicitly provide for flexibility in subject choice and the provision of a reader or scribe.*

***Blood Disorders (Annexure-C):***

*For Thalassemia, the guidelines mandate "strict compliance" in providing compensatory time and assistive devices.*

8.4 The Court notes that while local promotion policies like DoE Rule 8.3.5 may limit grace marks, the statutory rights enshrined in the RPwD Act, a Central Act, take precedence over administrative rules when a student's academic failure is directly linked to the denial of these mandated accommodations. The school's attempt to unilaterally label the child "normal" ignores the diagnostic authority of a recognized institution like Sir Ganga Ram Hospital and violates CBSE's mandate that disability certificates from recognized practitioners must be accepted.

8.5 Furthermore, the Court notes that under the prevailing Directorate of Education (DoE) Promotion Policy (as per Circular No. DE.5/212/Exam/16-17/1166-1175), the detention of a student in Class V is a measure of last resort. The policy stipulates that a student who fails in one or two subjects must be given the opportunity for remedial instruction and a re-examination; a child is generally only considered for detention if they fail to clear three or more subjects after all remedial opportunities are exhausted. By detaining the student for a narrow margin in a single language subject (Hindi), while he successfully cleared Mathematics and Science, the school has acted in contradiction to the spirit of these promotion guidelines. By denying the student his statutory right to compensatory time and assistive support during the Hindi retest, the school failed in its duty to provide an inclusive and non-discriminatory educational environment. This failure is particularly concerning given the student's medical requirement and the cognitive strain associated with his condition. The Court finds that such administrative rigidity, especially following allegations of corporal punishment, suggests a retaliatory approach rather than a fair academic evaluation, thereby neglecting the "best interests of the child" principle.

8.6 The Court observes that this denial of support to the student further

contravenes the fundamental right to education enshrined in Article 21A of the Constitution of India, which necessitates that the state and its instrumentalities provide meaningful and accessible education to all children.

8.7 The Court recommends the Principal and the School Management of The Apeejay School to conduct a sensitization workshop for its entire academic and administrative staff on the RPwD Act, 2016. Furthermore, The Court advises the Respondent (2) to conduct a re-assessment of the student after providing all the necessary support and reasonable accommodation. If the student continue to encounter difficulties in a specific subject despite these accommodations, the school must proactively counsel the parent and provide them the opportunity to opt for an alternative subject better suited to the student's aptitude, in accordance with the flexibility provided by CBSE guidelines.

8.8 Accordingly, an Action Taken Report (ATR) regarding the fresh assessment of the student and/or remedial measures in respect of the students, and the staff sensitization program (including special educators, teachers in-charge) shall be submitted to this Court within 7 days, failing which, the Court shall be constrained to invoke the relevant penal provisions and recovery clauses u/s 93 of the RPWD Act, 2016.

9. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 15-05-2026
10:10:02

**(S. Govindaraj)**
**Commissioner of Persons with Disabilities**