

ATTENTION/COURT CASE
All Pvt. Unaided Schools which have
claimed that they have requisite
facilities to cater to the needs
of disabled children.

DIRECTORATE OF EDUCATION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
(ACT 1 BRANCH), OLD SECTT., DELHI-54

No.F.DE-15/Act 1/WPC 1225/14/2014/27556

Dated: 01/12/14

ORDER

Hon'ble High Court of Delhi vide order dated 18/11/2014 in WPC-1225/2014 & CCP no. 325/2014, titled Pramod Arora Vs GNCTD has directed to provide the following information in respect of the Unaided Pvt. Recognized Schools which have claimed to have facilities to cater to the needs of Disabled Children.

- (a) The number of seats in respect of the kind of disability which each particular unaided school is geared, or equipped to cater to;
- (b) The facilities specifically existing for that purpose; (Exact facilities in terms of infrastructure and personal required for the purpose/disability & its availability in school)
- (c) The fees to be charged from the pupils by such schools;
- (d) The fees for disabled students vis-à-vis fees charged from other students.
- (e) The number and type of special educators/teachers in each unaided school, which has facilities for disabled students.

In addition to the above, as per above said directions of the Hon'ble High Court, team of officers/experts from DoE, Rehabilitation Council of India and the Chief Commissioner Office will visit each school to physically verify the details/availability of said facilities.

In this regard, attention is invited to Rule 50(xviii) of Delhi School Education Act & Rules, 1973 which provides that every Recognized Pvt. Unaided School is bound to provide any information/reports as required by the Director of Education from time to time for continuation of the recognition of the school.

Ashim Jain
1/12/2014

Further the recognition of the Pvt. Schools is subject to fulfilment of directions/provisions of this directorate as provided under Section 4(6) of Delhi School Education Act & Rules 1973 and failure in this regard may invite de-recognition of the schools.

Therefore, in pursuance to the directions of Hon'ble High Court all Unaided Pvt. Recognized Schools, which have claimed to have facilities to cater to the needs of Disabled Children, are hereby again directed under Rule 43 of Delhi School Education Rules read with Rule 50(xviii) Delhi School Education Act & Rules and Section 12 (3) of RTE Act 2009 to provide accurate information w.r.t points 'a' to 'e' mentioned above and to update/recheck this information if already provided. This information must be provided/updated/rechecked positively by 03/12/2014 in the formats already provided vide this office order dated 13/10/2014.

Further, these schools are strictly directed to ensure that they shall not, in any way, hamper or impede the said inspection process in this regard and they shall extend all necessary cooperation to the inspecting team.

In case, if any school does not respond to any directive contained in this order or any impediment or resistance is found on the part of any Private School in this regard, department shall take necessary action as is appropriate under the provisions of the Delhi School Education Act and other relevant provisions.

This issues with the prior approval of Principal Secretary (Education).


11/12/2014

(DR. ASHIMA JAIN, IAS)
ADDL. DIRECTOR OF EDUCATION(ACT-1)

To

1. **All Pvt. Unaided Schools(through DDEs & website of the department)** which have claimed that they have requisite facilities to cater to the needs of disabled children.(List of such school-Distt.wise is available on DoE's site - www.edudel.nic.in(Scroll list on main page)
2. **All District DDEs for information and necessary action.**


11/12/2014

(DR. ASHIMA JAIN, IAS)
ADDL. DIRECTOR OF EDUCATION(ACT-1)

S-7.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 325/2014

PRAMOD ARORA

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with
Ms. Kiran Kalra Uppal,
Mr. Anshumaan Sahni, Mr. Aman
Bhalla, Advocates.
Mr. Ravi Gupta, Sr. Adv. (Amicus
Curiae)

versus

GNCTD THR ANINDO MAJUMDAR, PRINCIPAL SECRETARY
(EDUCATION) DIRECTORATE OF EDUCATION & ORS

..... Respondent

Through: Ms. Zubeda Begum, Standing counsel
for GNCTD.
Mr. S.N. Gupta, Adv. for Lancer
Convent School.
Mr. Akshay Makhija, CGSC with Mr.
Rohitendra Deb, Adv. for R3.
Mr. Amit Mahajan, CGSC with Mr.
Nitya Sharma, Adv. for UOI
Mr. Mohak Bhadana, Adv for DAV
Mr. Sanjay Sharma, Adv for Ahlcon
International School

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT


HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

18.11.2014

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The GNCTD has filed an affidavit enclosing a copy of the order dated 13.10.2014 issued to the private schools calling for information. This Court notices with regret that the order/circular is more of general nature, merely


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eliciting information, and in no way attempting to further follow up with inspection. It is not command or dictate to the schools to comply with the provisions of the Persons with Disabilities Act and the Delhi School Education Act. In other words, it is not a directive under Rule 43 of the Delhi School Education Rules read with Section 12(3) of Right of Children to Free and Compulsory Education, 2009, even though this Court had directed the respondents to issue the order by resort to those provisions.

Consequently, the GNCTD is directed to forthwith take the following steps/action:

1. Issue appropriate directions under Rule 43 of Delhi School Education Rules and/ or Section 12(3) of The Right of Children to Free and Compulsory Education Act, 2009, and elicit all the requisite information with regard to:

(a) The number of seats in respect of the kind of disability which each particular unaided school is geared, or equipped to cater to;

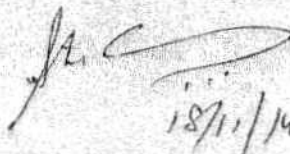
(b) The facilities specifically existing for that purpose;

(c) The fees to be charged from the pupils by such schools;

(d) The fees for disabled students vis-a-vis fees charged from other students.

(e) The number and type of special educators/ teachers in each unaided school, which has facilities for disabled students.

2. Verify with each of the schools the information furnished by them with regard to the exact facilities available in its premises – in terms

A handwritten signature in black ink, followed by the date '18/11/14' written in a similar style.

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New Delhi

of infrastructure and personnel (the existence of teaching/educational aids, class rooms, availability of special educator/trained teachers who are in a position to impart education to the kind of disability which the school claims to cater etc.)

3. For giving effect to the direction (2) above, the Govt. of Delhi, Department of Education shall immediately cooperate with the Rehabilitation Council of India and the Disabilities Commissioner – to secure the services of trained experts who could evaluate such facilities available in private schools and objectively certify them. The Chief Commissioner of Disabilities and the Chairperson, Rehabilitation Council of India is hereby directed to cooperate and ensure that a list of experts in the field – having experience, is drawn up forthwith depending on their availability in Delhi on specified dates, and work out a roster for inspection of individual school/institution.
4. The directive to be issued pursuant to direction no.(1) shall also indicate that the inspection under the aegis of GNCTD would be carried out through its experts deployed in the manner indicated above– and that each school would not, in any way, hamper or impede the inspection process. In case the schools do not respond to the directive, or any impediment or resistance is found on the part of any private institution, the Department of Education shall take necessary action as is appropriate under the provisions of the Delhi School Education Act.

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The reports obtained on the basis of inspection shall be compiled, tabulated and filed in the Court before the next date of hearing. The entire process shall be completed on an urgent basis and the affidavit be filed within four weeks from today.

The inspection committees may indicate to the concerned schools the deficiencies and shortcomings observed during the course of inspection independently to the school.

The Principal Secretary shall monitor the progress to ensure implementation of this courts order.

Order dasti under the signatures of the Court Master.

A copy of the order shall be marked directly to the Chairperson, Rehabilitation Council of India and the Chief Commissioner, Disabilities. Learned amicus curiae is requested to convey the courts order to the said bodies as well.

List on 19.12.2014.

SA/-
S. RAVINDRA BHAT, J

SA/-
VIPIN SANGHI, J

NOVEMBER 18, 2014

sr

Checked True Copy
18/11/14
Administrative Officer (Judicial)
High Court of Delhi
New Delhi