

**IN THE COURT OF THE STATE COMMISSIONER FOR RPwDS
AT MALAKPET, HYDERABAD**

Present: Smt. B. Shailaja, M.A., LLB.,

Order dated 18th June, 2024

Case No. RPwD Act, 2016/325/2024

Between

Sri Katragadda Charles Ravikumar,
R/o. Flat No.301, Sai Ram Residency,
A.C Guards, Khairatabad,
Hyderabad.

.....Petitioner

AND

The Principal,
Holy Mary High School,
A.C. Guards, Saifabad,
Lakdikapul, Hyderabad.

....Respondent

Petitioner claim:

The Petitioner requested Holy Mary High school to provide admission in LKG to his (2) daughters (Persons with Disability) namely Blessy Nainika Joseph who is of (4) years (3) months old and Navika Haron who is (3) years (2) months old. But school refused to give admission.

Brief facts of the case:

The petitioner Sri Katragadda Charles Ravikumar, R/o. Flat No.301, Sai Ram Residency, A.C Guards, Khairatabad, Hyderabad has filed a petition before the Court of the State Commissioner requesting for a direction to the Holy Mary High school management to allow admission for both of his differently abled girl children as well as offer basic amenities such as ramp and special bathroom. The elder child Blessy Nainika Joseph is aged about (4) years (3) months and younger child Navika Haron aged about (3) years (2) months old both the children are of Orthopedic Disabled which is Congenital, Muscular Weakness of Congenital Spino Muscular Atrophy and Conhential Myopathy with 88% and 86% of disability respectively.

The petitioner stated that he approached the Holy Mary High school at A.C Guards regarding LKG admission for both of his daughters in April, 2024 and admission forms were taken back after knowing that both daughters are differently abled. When the petitioner reached out to the kindergarden in-charge sister Amala for his both daughters admission but they declined because of their disability. Petitioner further stated in May, 2024 lengthy discussion was held with sister Meena, the School Principal, she agreed to grant admission (conditional) in June 2024, based on her words, petitioner met Sister Meena on June, 13 who told the petitioner to meet the kindergarden in-charge Sister Amala for admission of his two daughters and they declined the admission because of their disability.

The State Commissioner for RPwDs, Telangana issued Notice the petitioner and Respondent to appear before the Court of the State Commissioner along with relevant material at 2.30 PM on 18-06-2024 at Ground floor, Vikalngula Sankshema Bhava, Nalgonda X Roads, Malakpet, Hyderabad for hearing of the case.

Both the petitioner and the In-charge Principal (on behalf of Respondent) are appeared before the Court of the State Commissioner at 2.30 PM on 18-06-2024. The Respondent has submitted written statement stating that the school is recognized by the Government of Telangana, the school runs classes from LKG to X. The school is running in its own premises consisting of (50) classrooms and running on its own funds (except receiving funds from the State Government for (5) aided posts of teaching and (2) posts of non-teaching) and the school is having strength of 2045 students and also informed that (2) PwD children are studying in their school.

The complainant resides at Sai Ram Residency, Veer Nagar, A.C. Guards. Khairatabad. With two or three-minutes walkable distance from his residence, there are three schools viz. Chintalagada Government School (English Medium), two minutes walkable distance, and Radiant School - 3 minutes walkable distance, Nirmala School - 5 minutes walkable distance. Both the daughters of the complainant are differently abled children. Considering this fact and in the larger interest of his both the daughters health, safety and security and also keeping in view their day to day commuting from home to school and back, the complainant could have opted to seek admission for his both the daughters in any one of these three schools, which are just within 5 mins. walkable distance from his residence. Leaving these three schools for the reasons best known to him, the complainant reached their school seeking admission to one of his daughters in pre-primary classes, which is more than ten minutes walkable distance.

The Respondent school further informed that their school is running on its own funds (except receiving funds from the State Government for 5 aided posts of teaching and 2 posts of non-teaching). As of now the school is not equipped with required infrastructure and manpower to meet the learning needs of different types of students with disabilities. It is to submit further that if the Government provides a special teacher, the school can cater its services to such children. The complaint filed against the school is devoid of merits. The Hon'ble State Commissioner may kindly dispose of the complaint by passing such other order or orders as deem fit and proper according to the facts of the case.

OBSERVATIONS OF STATE COMMISSIONER:

After having verified with the complaint of the petitioner and the reply furnished by the Respondent the following observations are made by the State Commissioner in this case:

The Petitioner alleged that regarding LKG admission for both of his daughters in April, 2024 the school has taken admission forms but returned back after knowing that both daughters are differently abled. The petitioner reached out to the kindergarden in-charge sister Amala for his both daughters admission but they declined admission because of children's disability.

As seen from the above allegation, it was observed in court hearing and the written statement of the Respondent the school has have denied the admission of petitioner's (2) daughters in LKG stating the reasons that the school is running on its own funds and further there is no required assessable facilities in this school for the PwD children. The argument put forth by the respondent before the State Commissioner is in violation of the existing mandatory provisions incorporated U/s 16 of RPwD Act, 2016, which reads as follows:

Section-16: *"Appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide Inclusive Education to the children with disabilities and towards that end shall -*

- i) Admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others.*
- ii) Make building campus and various facilities accessible.*
- iii) Provide reasonable accommodation according to the individual's requirements.*

- iv) *Provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion.*
- v) *ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;*
- vi) *Detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them:*
- vii) *monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;*
- viii) *provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs."*

In the light of the above provision of the RPwD Act, 2016, the denial of admission on the grounds put forth by the Respondent school are in violation of the provisions of the Act and as well as against the natural law of justice. Denial of admission here means denial of further life to the growth of the children in the early age.

Recommendations

Hence the court of the State Commissioner recommends that:

1. The respondent school shall provide admission to the (2) children of the petitioner in LKG without imposing any conditions on the parents.
2. The school authority shall arrange to provide the required accessible facilities to these children as guaranteed in the RPwD Act, 2016.
3. A compliance report shall be submitted to the court of the State Commissioner within a week after receipt of this order.

This order is issued under my Hand & Seal, of this Court on this the 18th day of June, 2024.


STATE COMMISSIONER

To
The petitioner and respondents