



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.6594/1031/2016

Dated 13.12.2016

In the matter of:

Ms. Riddhi Dhumale, *Db05*
72, 7th Floor, Sabina Apartment,
Near Sanyas Ashram, Ashram Road,
Ellis Bridge, Ahmedabad-380006, Gujarat

... Complainant

Versus

Kendriya Vidyalaya Sangathan,
Through: Commissioner, *Db06*
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi - 110016

... Respondent No.1

Department of School Education & Literacy,
Through: Secretary, *Db07*
Ministry of Human Resource Development,
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi-110001

... Respondent No.2

Date of Hearing – 25.10.2016

Present:

- (1) Shri Y.P. Singh, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Head Office, for respondent No.1
- (2) None appeared for complainant and respondent No.2

ORDER

Ms. Riddhi Dhumale, a person with 40% hearing impairment and student of Class-XI filed a complaint dated 04.07.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', and submitted that she studied in Kendriya Vidyalaya, SAC Ahmedabad, Gujarat and passed Class-X with overall 8 CGPA (8 CGPA in Science, 7 CGPA in Maths, 9 CGPA in English, 9 CGPA in SST and 8 CGPA in Hindi). She could not acquired desired marks in Maths. Biology is not suitable for her as there is no scope of employment in Medical being a person with hearing impairment. There is scope for her in Maths as she has special interest in Architecture. Studying science without Maths may hamper her career. She requested that she be given admission in Science with Maths.

2. Section 30(g) and (h) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides as under:

"30. (g) restructuring of curriculum for the benefit of children with disabilities;

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006
Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in
(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

(h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.”

3. Section 39 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the ‘Act’, provides as under:

“All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for persons with disabilities.”

4. In view of the above, this Court vide letter dated 15.07.2016 took up the matter was taken up with the respondent No.1 to submit their comments to this Court ensuring that students with disabilities should not be deprived of their legitimate rights, and a copy was also endorsed to respondent No.2 for appropriate action.

5. Respondent No.1 vide letter dated 10/11.08.2016 submitted their reply and inter-alia intimated that as per Kendriya Vidyalaya Sangathan’s admission guidelines for admission in Class XI (Science) with Maths, the child who passed Class X from Kendriya Vidyalaya should have a minimum of 7.6 CGP and B1 grade in Maths and Science. The complainant satisfied only two conditions out of three viz. 8 CGPA and B1 grade in Science but did not fulfil the eligibility criteria of B1 grade in Maths. Hence she was not eligible to get admission in Class XI (Science) with Maths. She was eligible to study Science without Maths. Respondent No.1 further clarified that they follow CBSE curriculum and guidelines stipulated in Scheme of Studies. CBSE takes care of provisions listed in Section 30(g) and (h) of the Act. As per report received from KV SAC Ahmedabad the complainant was allotted front row seat in class so that she could hear properly; special attention was given to her by the subject teachers; and extra time was also given to her during exams.

6. Respondent No.1 also submitted a copy of the letter No.F.110331-01/2016/KVS (HQ)/Acad./12777-12806 dated 14.03.2016 issued from Joint Commissioner (Acad), Kendriya Vidyalaya Sangathan to the Deputy Commissioner Kendriya, Vidyalaya Sangathan of all Regional Offices/ZIETs regarding Amendment of Para 9, 1 of Part-C (Procedure for Admissions) of KVS Admission Guidelines 2016-17. As per the said letter the Principal of the KV concerned should send the proposal of lowering the eligibility criteria for various streams along with the details of registration, number of eligible students, etc. to the Deputy Commissioner of the region for concessions wherever applicable shall be incorporated while preparing the merit list as per the KVS Admission Guidelines 2016-17. The Deputy Commissioner may use her/his discretion in lowering the eligibility criteria to the extent as indicated below:

(a) For KV Students – Admission in different Streams viz Science, Commerce, Humanities of Class XI in KVs for KV students will be based on cut-off Grade and CGPA as under:-

(i) Science with Mathematics

- (1) A minimum of B2 Grade in Maths
- (2) A minimum of B2 Grade in Science
- (3) A minimum of 6.4 CGPA

7. Respondent No.1 also submitted a copy of the letter No.F.120353/C-1/2016-17/KV SAC AMD/ dated 03.08.2016 whereby the Principal, Kendriya Vidyalaya SAC had intimated the

respondent No.1 that Ms. Riddhi Dhumale secured B2 (up scaled from C1 to B2 on the basis of co-scholastic) grade in Maths and as per Kendriya Vidyalaya Sangathan's admission guidelines of Class XI, she was not eligible to opt science with Maths in Class XI, therefore, she was given Science with Biology.

8. Respondent No.2 did not submit the reply. However, vide letter No.4-1/2015-RMSA-II dated 10.08.2016 requested the respondent No.1 to take appropriate action in the matter as the matter pertains to KVS.

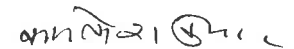
9. Upon considering the reply received from the respondents and the submissions made by the complainant, the case was listed for personal hearing on 25.10.2016.

10. On the date of hearing, the representative of the respondent No.1 reiterated the reply dated 10/11.08.2016 submitted earlier that as per the guidelines for admission the complainant was not eligible to study Science with Maths as she had obtained B2 grade in Maths. She was eligible to study Science without Maths.

11. From the facts submitted by the parties to the case, it is observed that the complainant, Ms. Riddhi Dhumale, a student with 40% hearing impairment passed Class X and secured overall 8 CGPA (8 CGPA in Science, 7 CGPA in Maths, 9 CGPA in English, 9 CGPA in SST and 8 CGPA in Hindi) which is more than the minimum of 7.6 CGPA required to be considered under Amendment of Para 9, 1 of Part-C (Procedure for Admissions) of KVS Admission Guidelines 2016-17 and for the use of power of discretion by the respondent No.1 for admission of the complainant in Class-XI (Science with Maths). The respondent No.1 has not considered the fact that the complainant is a person with hearing impairment and there is no scope of employment in the field of Biology and on the contrary there is a scope of employment in the field of Engineering and Architecture Sectors and various posts are identified suitable for persons with hearing impairment.

12. In view of the above, respondent No.1 is advised to use the power of discretion and consider the request of the complainant to study Science with Maths in Class XI.

13. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities