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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **W.P.(C) 8210/2018, CM APPL. 31448/2018, CM APPL. 32703/2018, CM APPL. 47453/2019, CM APPL. 31931/2022, CM APPL. 33605/2022, CM APPL. 17250/2023**

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: **Mr. S. K. Rungta, Senior Advocate**
 alongwith Petitioner in person

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: **Mrs. Avnish Ahlawat, Standing Counsel for GNCTD with Mr. N. K. Singh and Mr. Mohnish Sehrawat, Advocates for GNCTD**
Mr. Yeeshu Jain, ASC with Ms. Manisha and Mr. Hitanshu Mishra, Advocates for R-1 to R-3.
Ms. Laavanya Kaushik and Ms. Aliza Alam, Local Commissioners.
Mr. Santosh Kumar Tripathi, Standing Counsel for GNCTD with Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma, Mr. Prashansa Sharma, Mr. Rishabh Srivastava and Ms. Nikita Vir, Advocates for R-5
 Date of Decision: 23rd January, 2024

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CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T(ORAL)



CM APPL. 1096/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 8210/2018

1. Learned standing counsel, GNCTD has handed over a copy of the compliance affidavit on behalf of Respondent No. 5, i.e., Directorate of Education ('DoE'), GNCTD. He states that the directions issued by the Court vide order dated 26.08.2022 have been complied with and the seven (7) Special Schools and three (3) hostels have been taken over w.e.f. 01.04.2023 by DoE from the Department of Social Welfare, GNCTD.

1.1 He states that the Lieutenant Governor, GNCTD has approved the transfer vide order dated 23.11.2023 and the said transfer has been implemented by the Department of Social Welfare, GNCTD vide order dated 05.12.2023.

1.2 He states that with respect to the deficiencies highlighted by the Court Commissioners in their report dated 06.12.2023, the concerned Head of School ('HoS') has submitted an Action Taken Report ('ATR') with respect to the remedial steps taken to address the concerns of the students.

2. In reply, Mr. S.K. Rungta, General Secretary of Petitioner Organisation, who appears in person states that he seeks further directions from this Court in terms of the Note dated 17.05.2023 filed in these proceedings so as to ensure the smooth functioning of the Special Schools and Hostels. He states that the said Note is available on record as 'Annexure A-2' to the affidavit dated 06.12.2023 filed by Respondent Nos. 1 to 3.

2.1 He has addressed submissions on the directions sought.

3. After hearing, Mr. S.K. Rungta and learned standing counsel for



GNCTD, we are of the considered opinion that the following directions are necessary for the operation and maintenance of the seven (7) Special Schools and three (3) Hostels:

(i) We take note of the fact that the ownership of seven (7) Special Schools and three (3) Hostels from Department of Social Welfare, GNCTD stands transferred to Respondent No. 5, i.e., DoE w.e.f. 05.12.2023. The order passed by the Lieutenant Governor dated 23.11.2023 approving the said transfer and the order dated 05.12.2023 passed by Department of Social Welfare, GNCTD has been placed on record and has been perused by this Court. The nomenclature and addresses of the said special Schools and Hostels upon their transfer to DoE has been set out at Table A and Table B in DoE's affidavit dated 22.01.2024 and the said details are taken on record. It has been represented to this Court, that in view of the aforesaid orders, the transfer of ownership of seven (7) Special Schools and three (3) Hostels to DoE, GNCTD has been completed and the said statement is taken on record and both Department of Social Welfare and DoE are bound down by the same.

(ii) With respect to the Hostels, since it is an admitted fact that the buildings require repairs and renovation; DoE is directed to make an assessment of the steps proposed to be taken and take a decision before 28.02.2024 so that necessary budgetary allocations can be made by DoE, GNCTD for the next financial year 2024-25. It is further directed that while preparing the renovation/reconstruction plan for the Hostels, appropriate measures for temporary re-location of the students to buildings in close vicinity be planned for so that the access to Schools



remains convenient for the students. In case, the buildings for temporary re-location are at a distance from the Schools, appropriate arrangement for transportation be provided for.

(iii) This Court has been informed that few rooms in the Hostel buildings are being used as Juvenile Courts. GNCTD is directed to take appropriate steps for re-locating the Juvenile Courts to a separate building with appropriate facilities in consultation with the concerned District Judge within a period of eight (8) weeks from the date of this order.

(iv) Under the aegis of this Court and more specifically vide order dated 04.12.2018 a playground was developed by Department of Social Welfare, GNCTD for the School students. Since, the maintenance and control of the said playground remains with Department of Social Welfare, GNCTD, the said Department is directed to continue the maintenance as well as upkeep of the playground and ensure its unhindered access to the children.

(v) DoE, GNCTD shall be responsible for providing Hostel facilities to all the students admitted in these Special Schools by inter-alia ensuring timely and quality food, uniform, clothes, recreation facilities and all facilities required for meeting daily needs of the students.

(vi) DoE, GNCTD shall ensure that within eight (8) weeks a Superintendent for each Hostel, regular cooks and sanitation staff apart from caretaker and security guards shall be deployed to ensure regular and timely availability of food and other facilities continue without interruption.



(vii) DoE, GNCTD shall continue to operate and maintain these seven (7) Schools as Special Schools as per the mandate of Section 31 of the Right of Persons with Disabilities Act, 2016. In this regard, the directions issued by this Court vide order dated 18.04.2023 are made absolute.

(viii) DoE, GNCTD shall ensure timely availability of braille books, assistive devices and other reading materials to each of the students studying in these seven (7) Schools.

(ix) DoE, GNCTD shall ensure that the existing facilities at the Schools and Hostels are maintained without any curtailment and in fact efforts are made for enhancing the facilities and infrastructure at these Schools and Hostels, so that these facilities can become a model for the rest of the country to follow.

(x) Department of Social Welfare, GNCTD shall remain bound to admit students electing to attend college in the Hostel namely 'Sewa Kutir' managed and maintained by the said department; as per the existing practice. In this regard, the directions issued vide order dated 12.07.2023 are made absolute.

(xi) DoE, GNCTD is directed to ensure that the living conditions of the students in the Hostels are upgraded and maintained so as to ensure that the lapses reported by the Court Commissioners are not repeated.

4. This Court would like to record its appreciation for the steps taken by GNCTD in this writ petition to comply with its responsibilities under Section 31 of the Right of the Persons with Disabilities Act, 2016. The said endeavour will be complete, if GNCTD complies with the directions issued by this Court in its letter and spirit in a time bound manner. This Court is



confident that if GNCTD prioritizes the compliance of the aforesaid directions, the Special Schools and the Hostel facilities would become a model for other States to follow.

5. This Court has also perused the ATR dated 04.01.2023 placed on record by DoE, GNCTD with its affidavit dated 22.01.2024 in view of the glaring deficiencies pointed out by the Court Commissioners. The HoS of the concerned School at Kingsway Camp is directed to ensure that the corrective measures reported in the ATR are sustained and the well-being of the students is attended to. This Court also records its appreciation for the efforts undertaken by the Court Commissioners in pursuance to the order dated 07.11.2023.

6. In view of the aforesaid directions passed today, the Petitioner states that the present petition stands satisfied and the same may be disposed of.

7. Accordingly, the present petition and pending applications are disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 23, 2024/hp/sk