



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.9245, 9314, 9315 and 9316 of 2009,
and
W.P. (MD) .Nos.2742 of 2010, 3264 of 2014 and 1601 of 2011
and
W.M.P.Nos.228 of 2022 and 568 of 2022

G.KANNAN,
S/O GOVINDAN ...PETITIONER IN W.P.NO.9245 OF 2009

C.STELLA MARY ...PETITIONER in W.P.No.9314 of 2009

G. ANBURAJAN ...PETITIONER in W.P.No.9315 of 2009

A. CHIDAMBARAM ...PETITIONER in WP No.9316 of 2009

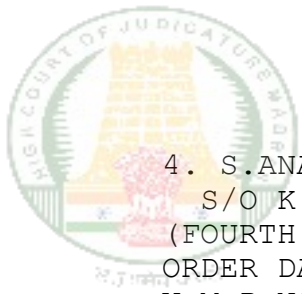
B. VENKATA SUBRAMANIAN ...PETITIONER in WP(MD)No.2742 of 2010
and WP(MD)No.3264 of 2014

S.SIVASANKARAN
S/O. SUBRAMANIAN

N.RAVIKUMAR
S/O. NAGARAJAPILLAI ...PETITIONER 1 and 2 in WP(MD)No.1601 of 2011

Vs.

1. THE STATE OF TAMIL NADU,
REP. BY THE SECRETARY TO GOVERNMENT,
SOCIAL WELFARE AND NUTRITIOUS MEAL
PROGRAMME DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.
2. THE DIRECTOR OF SOCIAL WELFARE,
CHEPAUK, CHENNAI-600 005.
3. THE DIRECTOR OF REHABILITATION OF DISABLED,
CHEPAUK, CHENNAI-600 006.



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4. S.ANANDAN,
S/O K.T.SHANMUGAM
(FOURTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27258 OF 2021 IN W.P.NO.9245 OF 2009)
5. T.SUNDARAVADIVELU,
S/O V.P.THANIKACHALAM
(FIFTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27266 OF 2021 IN W.P.NO.9245 OF 2009)
6. P.KATHIRVELU,
S/O V.G.PANDURANGAN
(SIXTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27268 OF 2021 IN W.P.NO.9245 OF 2009)
7. K.KANNAN,
S/O KALIYAPERUMAL
(SEVENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27269 OF 2021 IN W.P.NO.9245 OF 2009)
8. D.PRABHUKUMAR,
S/O DAYABHUSHANAM
(EIGHTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27270 OF 2021 IN W.P.NO.9245 OF 2009)
9. D.PRITHA,
D/O P.DEIVASIGAMANI
(NINTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27272 OF 2021 IN
W.P.NO.9245 OF 2009)
10. N.SUDHAKAR,
S/O L.NAMMALWAR
(TENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27274 OF 2021 IN
W.P.NO.9245 OF 2009)
11. S.RAMAN,
S/O SAMINATHAN
(ELEVENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27275 OF 2021 IN
W.P.NO.9245 OF 2009)



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12. P.REKHA,
W/O MANIKANDAN
(TWELFTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27277 OF 2021 IN W.P.NO.9245 OF 2009)

13. A.INNIYAN,
S/O ANNADURAI
(THIRTEENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27279 OF 2021 IN W.P.NO.9245 OF 2009)

14. A.P.JAYARAMAN,
S/O P.PERIYASAMY
(FOURTEENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27281 OF 2021 IN W.P.NO.9245 OF 2009)

15. S.B.MARIYAJEGAN,
S/O SINGARAJAN
(FIFTEENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27282 OF 2021 IN W.P.NO.9245 OF 2009)

16. M.ASHA,
W/O RAJESHKANNA
(SIXTEENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27284 OF 2021 IN W.P.NO.9245 OF 2009)

17. C.VIJAYABASKAR,
S/O N.CHINNAMANI
(SEVENTEENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27285 OF 2021 IN W.P.NO.9245 OF 2009)

18. K.RUBANSMITH,
S/O KUPPUSAMY
(EIGHTEENTH RESPONDENT IMPEADED, VIDE
ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27286 OF 2021 IN W.P.NO.9245 OF 2009)

19. P.MOHANRAJ,
S/O PARTHIBAN,
(NINETEENTH RESPONDENT IMPEADED,
VIDE ORDER DATED 07.01.2022 MADE IN
W.M.P.NO.27287 OF 2021 IN W.P.NO.9245 OF 2009)

.. RESPONDENTS IN W.P.NO.9245 OF 2009



THE STATE OF TAMILNADU
REP BY ITS SECRETARY
SOCIAL WELFARE AND NUTRITIOUS MEALS DEPT.
ST.GEORGE FORT, CHENNAI.

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THE STATE COMMISSIONER FOR DISABLED
NO.15/1 MODEL SCHOOL ROAD
THOUSAND LIGHTS, CHENNAI 6.

..RESPONDENTS 1 AND 2 IN WP NO.9314 TO
9316 OF 2009 AND WP(MD) NO. 2742 OF 2010

THE PRINCIPAL SECRETARY
SOCIAL WELFARE AND NUTRITIOUS MEALS DEPT.
ST. GEORGE FORT CHENNAI.

...3rd RESPONDENT in WP No.9314 to 9316 of 2009

1. THE SECRETARY TO GOVERNMENT
WELFARE OF DIFFERENTLY ABLED PERSONS DEPARTMENT
SECRETARIAT, CHENNAI - 9
2. THE PRINCIPAL SECRETARY CUM
STATE COMMISSIONERATE FOR DIFFERENTLY ABLED
THOUSAND LIGHTS CHENNAI- 6.
3. THE GOVERNMENT OF TAMILNADU
REP.BY ITS SECRETARY TO GOVERNMENT
SOCIAL WELFARE AND NUTRITIOUS MEALS
PROGRAMME (Sw 9) DEPARTMENT
SECRETARIAT CHENNAI-9
4. THE SECRETARY
TAMILNADU PUBLIC SERVICE COMMISSION
CHENNAI -2
5. K. BALASUNDARAM
ORTHOTIC TECHNICIAN DISTRICT DIFFERENTLY
ABLED REHABILITATION OFFICE
37, RAMADOSS STREET PUDUPALAYAM
CUDDALORE.
6. V.SRINIVASAN
ORTHOTIC TECHNICIAN DISTRICT DIFFERENTLY
ABLED REHABILITATION OFFICE
COLLECTORATE, THIRUVARUR.
7. G.VASANTHAKUMAR
ORTHOTIC TECHNICIAN DISTRICT DIFFERENTLY
ABLED REHABILITATION OFFICE
TAMILNADU HOUSING BOARD STREET
PUDUKOTTAI.



8. S.ULAGANATHAN
ORTHOTIC TECHNICIAN DISTRICT DIFFERENTLY
ABLED REHABILITATION OFFICE
COLLECTORATE, THENI

...RESPONDENTS 1 to 8 in WP(MD) No.1601 of 2011

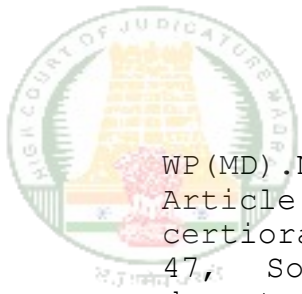
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1. THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY
DIFFERENTLY ABLED WELFARE DEPARTMENT
FORT ST. GEORGE CHENNAI.
2. THE PRINCIPAL SECRETARY/STATE
COMMISSIONER FOR THE DIFFERENTLY ABLED
K.K. NAGAR, CHENNAI-78.
3. THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY PERSONNEL AND
ADMINISTRATIVE REFORMS DEPARTMENT
FORT ST. GEORGE CHENNAI.
4. MR.P.SARAVANAKUMAR
DISTRICT DIFFERENTLY ABLED WELFARE OFFICER
IN-CHARGE SIVAGANGAI SIVAGANGAI (DT).
5. MR. K. BALASUNDARAM
JUNIOR REHABILITATION OFFICER DISTRICT
DIFFERENTLY ABLED WELFARE OFFICE
VIRUDHUNAGAR.

...RESPONDENTS 1 to 5 in WP(MD) No.3264 of 2014

Writ Petition No.9245 of 2009 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the entire records culminating in issuance of G.O.(Ms).No.47, Social Welfare and Nutritious Meal Programme (SW-9) Department, dated 23.03.2009 on the file of the first respondent and quash the same as illegal and unsustainable in law.

WP No.9314 to 9316 of 2009 : These Writ Petitions are filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus calling for records relating G.O.ms. No.47, Social Welfare and Nutritious Meal Programme (SW-9) Department dt 23.3.2009 and to quash the same and consequently direct the respondents to frame the service rules for the petitioner to the category of Vocational Guidance Officer under Special Rules for Tamilnadu General Subordinate Service



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WP(MD).No.2742 of 2010: This Writ Petition is filed under Article 226 of the constitution of India to issue a Writ of certiorarified mandamus calling for records relating G.O.Ms.No. 47, Social welfare and Nutritious Meal Programme (SW-9) department dated 23.03.2009 and quash the same

WP(MD) No.3264 of 2014 : This Writ Petition is filed under Article 226 of the constitution of India to issue Writ of certiorarified mandamus, to call for the records pertaining to the impugned order in G.O.Ms.No. 14, Welfare of Differently abled persons, dated 25.05.2010 on the file of the respondent no.1 and the consequential proceedings in Pro.Rc.No.5400/Admin.1/2010, dated 13.09.2011 and the subsequent proceedings in Proc.No.5400/Admn-1/2010, dated 17.12.2013 on the file of the respondent no.2 and quash the same as illegal and consequently to consider the petitioner for promotion to the post of Junior Rehabilitation officer within the time stipulated by this Honble court and pass such further or other order

WP(MD) No.1601 of 2011: This Writ Petition is filed under Article 226 of the constitution of India to issue to issue a Writ of Declaration or any other appropriate Writ or order or Direction in the nature of Writ, declaring the Second Proviso to Rule 3 of the Temporary Post of Junior Rehabilitation Officer in the Social Welfare and Nutritious Meal Programme Department Ad-hoc Rules in so far as Ratio fixed for appointment to the post by promotion from the posts of Vocational Instructor, Orthotic Technician and Multipurpose Rehabilitation Aide(1/3/1) is concerned and Rule 5 Sub-Rule (b) Column(2) and (3) of Temporary post of Junior Rehabilitation Officer in so far as the Qualifications prescribed for appointment by promotion from the posts of Vocational Instructor, Orthotic Technician and Multipurpose Rehabilitation Aide is concerned as Null and void Ultra vires to the Constitution of India and illegal and be struck down and consequently direct the respondents to fix the Ratio for the Multipurpose Rehabilitation Aide Officers equivalent to or more than that of the Ratio fixed for orthotic Technicians for appointment by promotion to the post of Junior rehabilitation officers and also to exempt the multipurpose rehabilitation Aides acquiring the Educational Qualification of Post Graduate degree in Psychology/ social work/Sociology in clear terms and to consider the petitioner's candidature for promotion to the posting Junior Rehabilitation officer and give them promotion to the post of Junior Rehabilitation Officer from the date of promotion of their immediate juniors with all consequential benefits.



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For Petitioner in
W.P.No.9245/2009

: Mr.M.R.Thangavel
for M/s.S.Selvaraj

For Petitioner in
W.P.No.9314 to 9316/2009

: M/s.Sindhu
for M/s.R.Prabakaran

For Petitioner in
W.P.(MD)No.2742/2010,
3264/2014

: M/s.T.Lajapathi Ray

For Petitioner in
W.P.(MD)No.1601/2011

: Mr.S.Balakrishnan

For Respondent 1 to 3
in W.P.No.9245/2009,
9314 to 9316/2009 and
W.P.(MD).No.3264/2014 and
W.P.(MD).No.1601/2011
and for R1 & R2 in
W.P.(MD).No.2742/2010

: Mrs.R.Anitha, SGP

R4 in W.P.(MD).No.1604/2011 : No Appearance

Respondents 4 to 19 in
W.P.No.9245/2003

: Mr.W.M.Abdul Majeed

COMMON ORDER

(The Common Order of the Court was made by The Honourable Chief Justice)

The learned counsel for the petitioners, on instructions, submitted that with the issuance of the fresh Government Order, the grievance raised by the petitioners had been redressed. In view of the above, he is not pressing the Writ Petitions, as the challenge is to the earlier Government Order which has already been superseded.

2. In view of the above submission, the Writ Petitions are disposed of, having rendered ineffective for the reason given above. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

CS



To

1. THE SECRETARY TO THE STATE OF TAMILNADU
SOCIAL WELFARE AND NUTRITIOUS MEALS DEPT.
ST. GEORGE FORT
CHENNAI.
2. THE STATE COMMISSIONER FOR DISABLED
NO.15/1 MODEL SCHOOL ROAD
THOUSAND LIGHTS CHENNAI 6.
3. THE PRINCIPAL SECRETARY
SOCIAL WELFARE AND NUTRITIOUS MEALS DEPT.
ST. GEORGE FORT CHENNAI.
4. THE SECRETARY TO GOVERNMENT
WELFARE OF DIFFERENTLY ABLED PERSONS DEPARTMENT
SECRETARIAT CHENNAI - 9
5. THE PRINCIPAL SECRETARY CUM STATE COMMISSIONER
FOR DIFFERENTLY ABLED
THOUSAND LIGHTS CHENNAI- 6.
6. THE SECRETARY TO GOVERNMENT OF SOCIAL WELFARE
AND NUTRITIOUS MEALS PROGRAMME (SW 9) DEPARTMENT
THE GOVERNMENT OF TAMILNADU
SECRETARIAT CHENNAI-9
7. THE SECRETARY
TAMILNADU PUBLIC SERVICE COMMISSION
CHENNAI -2.
8. THE SECRETARY TO THE STATE OF TAMIL NADU
DIFFERENTLY ABLED WELFARE DEPARTMENT
FORT ST. GEORGE CHENNAI.
9. THE PRINCIPAL SECRETARY/STATE COMMISSIONER
FOR THE DIFFERENTLY ABLED
K.K. NAGAR CHENNAI-78.
10. THE SECRETARY TO THE STATE OF TAMIL NADU
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
FORT ST. GEORGE CHENNAI.
11. THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE AND NUTRITIOUS MEAL
PROGRAMME DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.



12. THE DIRECTOR OF SOCIAL WELFARE
CHEPAUK,
CHENNAI - 5.

13. THE DIRECTOR OF REHABILITATION OF DISABLED
CHEPAUK,
CHENNAI - 6.

+1cc to M/s.R.Ramanlaal, Advocate, S.R.No.11817

+1cc to M/s.N.M.Abdul Majeed, Advocate, S.R.No.11940

+1cc to the Government Pleader, S.R.No.12293

W.P.Nos.9245, 9314, 9315 and 9316 of 2009
and
W.P.(MD).Nos.2742 of 2010, 3264
of 2014 and 1601 of 2011

RSI (CO)
RGA(15/03/2022)