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W.A.No.1313 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1313 of 2022

Mercy Home,
rep. By its Director,
Louis Rayan,
Nazarathur Sogathur Cross Road,
Dharmapuri 636 809 ... Appellant

VS

1.The Government of Tamil Nadu,
rep. By its Secretary,
Special Welfare & Noon Meals Scheme Department,
Secretariat,
Fort St.George, Chennai 600 009

2.The Government of Tamil Nadu,
rep. By its Secretary,
Differently Disabled Department,
Secretariat,
Fort St.George, Chennai 600 009

3.The State Commissioner for
Differently disabled Department,
K.K.Nagar, Chennai 600 078

4.The District Differently
Disabled Welfare Officer,
Dharmapuri 636 701 ... Respondents



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Prayer: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 03.12.2021 in WP No.27406 of 2013.

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For the Appellant : Mr.S.Parthasarathy
For the Respondent : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Mugilan,
Government Advocate,
for respondents 1 to 4

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

The writ appeal has been filed against the order dated 03.12.2021 whereby the writ petition filed by the writ appellant in WP No.27406 of 2013 was dismissed.

2. The writ petition was filed to challenge the demand raised by the respondents in reference to many irregularities found in the running of the home for differently-abled children. An inspection was conducted and it was found that certain beneficiaries were above the age of six years whereas it was meant for the beneficiaries below the age of six years. It was also found that the beneficiaries were taking their studies in other institutions than in



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the appellant's home. This fact was revealed not only from the statement of the parents but even the headmaster of the respective institutions where such children were studying. Thus, the home was found to be reaping benefits illegally, and accordingly, demand was raised to a sum of Rs.4,48,500/-.

3. Learned Single Judge has taken note of the inquiry conducted subsequently, where lot of discrepancies were found, and even indicated the same in paragraph 6 of the judgment. The relevant paragraph No.6 is extracted hereunder:

“6. The said report of the Commissioner for Welfare of the Differently Abled, reveals that pursuant to the directions an Inquiry Committee was constituted and the said Committee conducted an inquiry and submitted a report, which reveals the following facts:

“The above said Enquiry Committee constituted by the third respondent inspected the petitioner-s institution on 29.10.2018. The committee was also accompanied by the District Differently Abled Welfare Officer, Dharmapuri District and Village Administrative Officer, Dharmapuri. The findings of the Enquiry Committee are as follows:~



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1. Only three registers were submitted for inspection.

- i. Students- attendance register.
- ii. School admission register.
- iii. Teachers- attendance register.

2. Even after prior intimation to the institution, which the petitioner has acknowledged, the Director of the institution was not present during inspection.

3. Only the Co-ordinator of the institution was present during the inspection.

4. In the register submitted for enquiry it was found that 17 students studied in the institution. During the year 2012-2013, all these 17 students were above the age of 6 years. The Early Intervention Centre for Visually impaired scheme was intended for benefiting children who are in the age group of 0 ~ 6 years. Hence, all the above said 17 beneficiaries are ineligible for the benefits given under this scheme.

5. During the previous inspection carried out by the District Differently Abled Welfare Officer, Dharmapuri District also, the students said to have studied in the petitioner-s institution were found to have studied in various other schools and the respective Head Masters of those schools have also submitted their letters in this respect.

6. The enquiry committee visited the house of one of the said beneficiary Salammal, where her parents said that



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during 2012~2013 she studied in Mercy Home for few months.

Hence, the enquiry committee concluded that;

1. The institution has run the programme with students above the age of 6 years which is in violation of the rules prescribed for the scheme.
2. As other school Head Masters have given letters that the same beneficiaries studied in their schools, it is not possible for the same student to have studied in two schools simultaneously.
3. Therefore, the grant amount sanctioned to the institution should be recovered.

The enquiry committee report along with the submission of Thiru. Munusamy, Co~ordinator of the Petitioner-s institution and other documents are herewith enclosed for submitting before the Hon-ble High Court.

Therefore, as submitted in the earlier enquiry committee report dated 28.09.2018, the petitioner is bound to remit Rs.4,48,500/~ (Rupees Four lakh, forty eight thousand and five hundred only) to the Government account.

Hence, I request you to kindly submit the enquiry report which is enclosed and above facts before the Hon-ble High Court as directed by its order dated 04.10.2018.?"



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4. In the light of the aforesaid, learned Single Judge did not find any ground for causing interference in the demand notice, and the writ petition was accordingly dismissed.

5. Learned counsel for the appellant could not show any ground to cause interference in the order of learned Single Judge other than to seek liberty to challenge the inquiry report. The liberty aforesaid cannot be given now when no ground has been raised to question the inquiry report while filing the appeal. Learned counsel for the appellant was given liberty to refer to any pleading where the allegation contained in the inquiry report has been challenged. He has failed to show the aforesaid. In the light of the finding recorded by us, no case is made out to cause interference in the order of learned Single Judge. Accordingly, the writ appeal is dismissed. There will be no order as to costs. Consequently, C.M.P.No.10993 of 2022 is closed.

(M.N.B., CJ.) (N.M., J.)

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Index : Yes/No



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To

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Special Welfare & Noon Meals Scheme Department,
Secretariat,
Fort St.George, Chennai 600 009

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M.N.Bhandari, CJ.
and
N.Mala, J.

(tar)

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