



W.P.Nos.15877 of 2017 & 10576 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.Nos.15877 of 2017 & 10576 of 2018

and

W.M.P.Nos.17191 of 2017 & 12528 to 12530 of 2018

W.P.No.15877 of 2017

Tirupur School for Deaf,
Represented by its Correspondent,
M.Jayanthi,
S.F.No.557, Semmandampalayam Village,
Sulur Taluk, Coimbatore District.

... Petitioner

Vs

1.State Commissioner for
Diferently-Abled (FAC),
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.

2.The District Differently Abled
Welfare Officer,
Coimbatore District.

... Respondents

W.P.No.10576 of 2018

K.Murugasamy,
Tirupur School for the Deaf
Residing at:
Kathukelathar Thottam,



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Sukkuttipalayam,
Olapalayam Post,
Kangayam, Tirupur District.

... Petitioner

Vs

1.State Commissioner for
Diferently-Abled (FAC),
Lady Willingdon College Campus,
Chennai - 600 005.

2.The District Differently-Abled
Welfare Officer,
Coimbatore District.

3.M.Jayanthi

4.Rajapandian

... Respondents

Prayer in W.P.No.15877 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the order passed by the first respondent in Proceedings No.2605/ST2/2017 dated 15.06.2017 and quash the same.

Prayer in W.P.No.10576 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records culminated in the first respondent's impugned Proc.No.2605/ST2/2017 dated 15.06.2017 and quash the same as illegal.



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In W.P.No.15877 of 2017

For Petitioner : No appearance
For Respondents : Mr.K.Suresh
Government Advocate

In W.P.No.10576 of 2018

For Petitioner : No appearance
For Respondents :
For R1 & R2 : Mr.K.Suresh
Government Advocate
For R3 & R4 : No appearance

COMMON ORDER

By this common order, both the writ petitions are being disposed of.

2. There is no representation on behalf of the petitioners, though on the previous occasion i.e., on 08.11.2022, there was a request for adjournment. Thereafter, this case has been listed today.

3. Earlier by an order dated 24.07.2019, this Court has directed the Registry to place the papers before the Hon'ble Chief Justice for obtaining



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necessary orders for tagging W.P.No.15877 of 2017 with W.P.No.10576 of

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4. In both the writ petitions, the petitioners have challenged the impugned order dated 15.06.2017 passed by the first respondent in Proceedings No.2605/ST2/2017.

5. The operative portion of the impugned order reads as under:-

"In the 4th reference, it is informed that the Correspondent of the Tiruppur School for the Hearing Impaired functioning in Kothapalayam, Coimbatore District has been framed F.I.R. by the Police Department on allegations of Rape and Sexual Assault against two hearing impaired women, and he along with other 5 staffs of the school have been arrested and remanded to Judicial Custody and recommended to revoke the recognition granted under the Tamil Nadu Recognized Private School (Regulation) Act, 1973 and Rules 1974 and registration accorded under Section 52 of the Persons with Disabilities Act, 1995 for the period from 4-1-2016 to 3-1-2018.

Therefore, the Registration and Certificate of Registration granted under Sub-Section (2) of Section 52 of the PWD Act, 1995 and Recognition granted to TIRUPPUR SCHOOL FOR THE DEAF, S.F.NO.557, SEMMANDAMPALAYAM VILLAGE, SULUR TALUK, COIMBATORE DISTRICT-641663 from 4.1.2016 to 3.1.2018 vide reference third cited, is hereby revoked under Sub-Section (1) of Section 53 of the PWD Act, 1995 and this School shall cease to function from the date of revocation i.e., from 15.6.2017.



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2) The Correspondent, TIRUPPUR SCHOOL FOR THE DEAF, S.F.NO.557, SEMMANDAMPALAYAM VILLAGE, SULUR TALUK, COIMBATORE DISTRICT-641663 is instructed to transfer the children with Hearing Impairment to any nearby recognized School for children with Hearing Impairment in Coimbatore District as specified by the District Differently Abled Welfare Officer of Coimbatore.

3) The Correspondent, TIRUPPUR SCHOOL FOR THE DEAF, S.F.NO.557, SEMMANDAMPALAYAM VILLAGE, SULUR TALUK, COIMBATORE DISTRICT-641663 is instructed to surrender Certificates/Recognition Orders to the State Commissioner for the Differently Abled, Chennai immediately by registered post on or before 20.6.2017.

4) The Correspondent, TIRUPPUR SCHOOL FOR THE DEAF, S.F.NO.557, SEMMANDAMPALAYAM VILLAGE, SULUR TALUK, COIMBATORE DISTRICT-641663 is instructed to acknowledge the receipt of this proceedings by return post.

5) As per Section 54(1), you may appeal to Government against this revocation order within one month on receipt of this proceeding.

Sd/- Ashish Kumar,

State Commissioner for the Differently Abled(FAC)"

6. It is noticed that earlier an order came to be passed by this Court on 26.07.2017. In that order, the School authorities/staffs were directed to co-operate with the authorities and to produce all the records, which were required for enquiry and also stating that if the Children want to stay back into



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School or Hostel, they are at liberty to stay back and those who want to leave

the School or the parents who want their Children back, there shall not be any impediment for them and they are at liberty to take their Children back.

7. The first respondent in his Proceedings No.2605/ST2/2017 dated 15.06.2017, has directed the second respondent to take necessary action to close the petitioners School and to admit the Hearing Impaired children in nearby Schools in the District and to submit action taken report to the first respondent.

8. The petitioners have challenged the impugned order dated 15.06.2017 of the first respondent on the ground that the FIR was registered based on a false complaint given by the former student against the former Correspondent of the School and the respondents failed to note that one Govindaraj, who had property dispute and had failed in all attempts had instigated the former student to lodge a false complaint after a lapse of five years from the date of alleged occurrence.



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9. The further ground of the writ petitioners is that without conducting any enquiry or giving the opportunity under Section 53 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the impugned order has been passed by the first respondent.

10. I have considered the arguments advanced by the learned Government Advocate for the first and second respondents. I have also perused the affidavit and the documents filed in support of the present writ petitions.

11. The writ petitions are of the year 2017 and 2018. Further, based on the complaint given by the former student of the petitioners School, a case in Crime No.207 of 2017 was registered on the file of the Karumathampatty Police Station, Coimbatore District on 09.05.2017. The charges against the School authority (former correspondent) and its staff regarding alleged rape and Sexual Assault of two Hearing Impaired women is serious and therefore the power has been rightly exercised by the first respondent in cancelling the registration granted under Section 52(2) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



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12. The status of the criminal proceedings initiated against the School authority (former correspondent) and the staff are also not known.

13. Considering the above, I am inclined to dismiss these Writ Petitions. However, liberty is given to the petitioners to approach the respondents, if the criminal case filed against them and/or their staff are dropped.

14. These Writ Petitions stand dismissed with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

22.11.2022

Index: Yes/No
Speaking/Non-Speaking Order

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To
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- 1.State Commissioner for
Diferently-Abled (FAC),
Lady Willingdon College Campus,
Chennai - 600 005.
- 2.The District Differently-Abled
Welfare Officer,
Coimbatore District.



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C.SARAVANAN, J.

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