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W.P.No.7801 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.7801 of 2008

P. GANDHIMATHI

.. Petitioner

Vs

1 STATE OF TAMIL NADU
REP. BY SECRETARY TO THE GOVERNMENT
DEPARTMENT OF SOCIAL WELFARE
FORT ST. GEORGE SECRETARIAT
CHENNAI - 9.

2 THE UNION OF INDIA
REP. BY SECRETARY TO GOVERNMENT
MINISTRY OF SOCIAL WELFARE
NEW DELHI.

3 SUGANTHI, PROJECT OFFICER
HOME FOR MENTALLY RETARDED
DEPARTMENT OF SOCIAL WELFARE
TAMBARAM, SANATORIUM
CHENNAI - 600 047.

4 THE INSPECTOR OF POLICE
CHITTALAPAKKAM POLICE STATION
CHITTALAPAKKAM, CHENNAI-47.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct respondents 1 to 3 to comply with the statutory provisions, including the provisions of the Juvenile Justice Act and the Persons with Disabilities Act, for the welfare and rehabilitation of mentally retarded children in Government Institutions; to pay compensation of Rs.10,00,000/- (Rupees Ten Lakh Only) for the ill-treatment, injury and disability caused to my son, Manikandan, which may be placed in a fund for his future education and rehabilitation; to take suitable action against the personnel of the Institution and other officials for their sadistic conduct and/or negligence.

For the Petitioner	: Ms.Divya Selvarani for M/s.P.V.S.Giridhar and Sai Associates
For the Respondents	: Mr.K.Karthik Jegannath Government Advocate for respondents 1 and 4 : Mr.A.Kumaraguru, SCCG for 2 nd respondent : No appearance for 3 rd respondent

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.Divya Selvarani, learned counsel for the petitioner; Mr.K.Karthik Jegannath, learned Government advocate for respondents 1 and 4; and Mr.A.Kumaraguru, learned Central Government Standing Counsel for the second respondent.



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2. Learned counsel for the petitioner submits that the petitioner has not contacted her. The same was the statement made on last two dates.

3. However, we had asked learned Government Advocate to place on record the status report.

4. The fourth respondent, i.e., the Inspector of Police, has filed the status report to the effect that the petitioner is not residing at the address given in the cause-title. They also tried to make a local enquiry near the address given in the cause-title, but the same did not fetch any positive result as to the whereabouts of the petitioner and her son. Summons were also issued through post. However, they were returned back on the ground that the addressee is not residing at the given address.

5. A status report is also filed by the Project Officer, Home for Mentally Retarded, Department of Social Welfare, Chennai, in



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response to the report submitted by the Committee constituted by this court. The report suggests that the government is funding all the allowances for the staff. Maintenance grant is also sanctioned and disbursed. The renovation work of the building needs to be carried out and steps are being taken to send necessary proposal to the government. The Resident Multipurpose Health Worker is taking care of all mentally retarded children and is providing regular medication to all the ailing children as per the prescription of doctors and in case of emergency, the children are being taken to the Government Hospital in Tambaram. It is further stated that one vehicle and driver are permanently available at the institute. There are two staff quarters and currently the Multipurpose Worker is residing in the quarters. The State Commissionerate has sanctioned to fill all the vacant posts. A communication has been made by the institute to the Commissionerate with regard to the filling up of necessary teaching staff as two Senior Teachers retired recently in April and May, 2023.

6. The vacancies of staff need to be filled up on priority basis.



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The government shall ensure that the necessary sanctioned staff are appointed within a period of six months from today.

The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

07.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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