



W.P.No.12983 of 2021
and W.M.P.No.13789 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12983 of 2021
and W.M.P.No.13789 of 2021

1.K.Manikandan
2.N.Suresh
3.S.Thambidurai

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by Secretary to Government,
Department of Social Welfare and Nutritious Meal Programme
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Commissionerate of Social Welfare and Nutritious Meal Programme,
2nd Floor, Panagal Maligai,
Jeennis Road, Saidapet,
Chennai - 600 015.

3.The Director,
Department of Social Defence,
Old No.153, New No.300,
Purasaiwalkkam High Road,
Kellys, Chennai - 600 010.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to appoint the petitioners on the basis of the earlier selection process held by the petitioner in pursuant to the order of this Hon'ble Court dated 23.07.2012 made in W.P.(MD) No.11892/2010 and the order of the first respondent dated 10.10.2019.

For Petitioners : Mr.R.Sivakumar

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed, seeking a direction to the respondents to appoint the petitioners on the basis of the earlier selection process held by the petitioner in pursuant to the order of this Court dated 23.07.2012 made in W.P.(MD) No.11892/2010 and the order of the first respondent dated 10.10.2019.

2. Heard Mr.R.Sivakumar, learned counsel appearing for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents.



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3. The petitioners are the ex-inmates of various Children Homes maintained by the respondents. After completing their school studies and on completing the age of 18 years, they were discharged from respective Children Home. Being ex-inmates of the Children Home, they are entitled to certain privileges, which including a preferential consideration for employment in certain category of posts in the respondent department. However, they are denied the said benefit without any reasonable cause. A similarly placed person earlier approached this Court by filing a writ petition in W.P.(MD).No.11892/2010, seeking for a direction to the respondents in the light of G.O(Ms).No.2535 Social Welfare Department dated 11.10.1983. This Court was pleased to allow the said writ petition and a direction was issued to the respondents for considering the appointment of the ex-inmates of Children Homes to be appointed on preferential basis to various vacant posts in the respondent department, which do not come under the purview of TNPSC. The respondents filed a writ appeal challenging the above order in W.A.(MD).No.538/2016 and it was also dismissed on 06.04.2016. Insofar as the petitioners are concerned it was told that they have crossed the maximum age limit and separate



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orders has been passed by the first respondent for the age eligibility relaxation. The first respondent vide proceedings dated 10.10.2019 issued orders relaxing the maximum age limit for 44 ex-inmates under Section 20(8) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The name of the petitioners also found placed in the said list against S.No.18, 19 & 16 respectively. But however, the respondents have not considered the appointment of the petitioners so far. In fact, the petitioners also went to the selection process along with the petitioners in W.P.(MD).No.11892/2010. However, they have not received any appointment order and hence, the petitioners have filed this writ petition.

4. It is seen from the records that the petitioners are the ex-inmates of the Government Children Homes. The certificates issued by the school authorities would show that the petitioners have studied in Government Children Homes. In fact the petitioners have also registered in employment exchange.



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5. As per the Government order in G.O.(Ms) No.57 dated 20.07.2016, all the vacancies arising in the Department of Social Defence in Group C & D Categories, which are outside the purview of the Tamil Nadu Public Service Commission, shall be reserved to the inmates and ex-inmates of Children Homes, Observation Homes, Special Homes, after care Organizations and Vigilance Institutions (Home) functioning under the Directorate of Social Defence and these vacancies will be filled up by the outsiders, if suitable candidates to the vacancies are not available. Such orders have been issued to similarly placed persons by accommodating them as teachers, instructors, guards, matrons cooks etc. The petitioners are such similarly placed persons. From the Government Order itself, it is clear that the object of issuing the Government Order is to streamline the life of the inmates of the Children Homes, Observation Homes etc. and ensure that they are respected in the society. The Government Order also states that the scheme shall be implemented whenever vacancies are available in the said category. Since the petitioners are not able to get accommodation as per the Government Order, the respondents are directed to consider the representation of the petitioners and pass appropriate orders on merits and



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in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connect Writ Miscellaneous Petition is closed.

18.03.2024

Index: Yes / No
Speaking order / Non-speaking order
mtl

To:

- 1.The State of Tamil Nadu,
Represented by Secretary to Government,
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