



W.P.(MD) No.3967 of 2010

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.3967 of 2010

and

M.P.(MD)Nos.1 of 2010 and 1 of 2011

Tamil Nadu Desia Kulandhai Tholilalar
Sirappuppalli Asiriar Matrum Uzhiar Sangam,
Rep. by its Secretary,
S.Alaghujothi

... Petitioner

-Vs-

- 1.The Union of India,
Represented by the Ministry of Labour
and Employment,
South Block, New Delhi.
- 2.The Secretary,
Ministry of Women and Child Welfare,
Government of India, New Delhi.
- 3.State of Tamil Nadu,
Represented by the Chief Secretary,
Secretariat, St.George Fort, Chennai.

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- 4.The Secretary,
Department of Education,
Secretariat, St.George Fort,
Chennai.
- 5.The Secretary,
Department of Social Welfare,
Secretariat, St.George Fort,
Chennai.
- 6.The Commissioner,
Department of Labour,
D.M.S.Complex, Teynampet,
Chennai-6.
- 7.The District Collector / Chairman,
Child Labour Advisory Board,
Trichy District.
- 8.The District Collector / Chairman,
Child Labour Advisory Board,
Virudhunagar District.
- 9.UNICEF,
Rep. by its Chairman,
National Child Labour Project, (NCLP),
New Delhi.
- 10.International Labour Organization,
Rep. by its Director (ILO),
Sub-Regional Office for South Asia,
New Delhi.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to provide adequate funds to the National Child Labour Project (NCLP) students studying various standards including 1st std to 5th std at the 587 project schools in all over Tamil Nadu and to ensure its functioning with all its infrastructure and staff till the Abolition of Child Labour in Tamil Nadu is completely given effect.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel

For M/s.T.Lajapathi Roy & Associates

For R1 & R2 : Mr.R.Arjunarajan,

Senior Panel Counsel

For R3 to R8 : Mr.P.Thilakkumar,

Government Pleader

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This Writ Petition is filed seeking for a direction to the respondents 1 to 5 to provide adequate funds to the National Child Labour Project (NCLP) students studying various standards including 1st std to 5th std at the 587 project schools in all over Tamil Nadu and to ensure its functioning with all its infrastructure and staff till the Abolition of Child Labour in Tamil Nadu is completely given effect.

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2.Today, when the matter is taken up for hearing, the learned Government Pleader appearing for the respondents 3 to 8, by relying upon the status report filed by the Additional Commissioner of Labour (Administration), Chennai, has submitted that the National Child Labour Project Scheme is not functioning in Tamil Nadu. The relevant portion of the same is extracted hereunder:-

“As per the Clause 3.30 of the revised NCLP guidelines dated 01.04.2016 issued by the Ministry of Labour and Employment, Government of India, the teachers in the NCLP Training Centres are classified as 'Volunteer Teacher' and their pay fixed as 'Honorarium'.

The Ministry of Labour and Employment, Government of India vide reference No.Z-16025/04/2021-CL, dated 14.03.2022, issued instructions to subsume the 12 NCLP Projects functioned in Chennai, Coimbatore, Dindigul, Erode, Kanchipuram, Namakkal, Salem, Thiruvannamalai, Tirunelveli, Trichy, Tuticorin and Virudhunagar with Samagra Shiksha. As per the instructions of the Union Government, the NCLP STCs subsumed with Samagra Shiksha and they cease to operate from 31.03.2022. Similarly, as per the instructions of the Union Government letter dated 18.04.2022, the NCLP projects in Dharmapuri, Krishnagiri and



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Vellore Districts continued operation till 31.03.2023 and it also ceased to function from 31.03.2023. The 2850 children studied in NCLP Special Training Centres were main streamed into regular schools as per the NCLP guidelines. At present, the National Child Labour Project Scheme is not functioning in Tamil Nadu.

It is submitted that the petitioner is not in service as of now. Moreover, Special Training Centres were closed and subsumed with Samagra Shiksha as per the orders of the Union Government. Therefore, the cause arose for filing of the Writ Petition did not exist as of now."

3.In view of the subsequent decision taken by the Government, the prayer sought for by the petitioner has become infructuous. Accordingly, this Writ Petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
18.01.2024
(1/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Chief Secretary,
State of Tamil Nadu,
Secretariat, St.George Fort, Chennai.
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Secretariat, St.George Fort,
Chennai.
- 3.The Secretary,
Department of Social Welfare,
Secretariat, St.George Fort,
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- 4.The Commissioner,
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