



W.P.(MD)No.12031 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.12031 of 2018

and

W.M.P.(MD)Nos.10966 & 10967 of 2018

The President,
Community Development Organisation,
3/186-5A, 3rd Street, Vasantham Nagar,
Padanthal, Sattur-626 203,
Virudhunagar District.

... Petitioner

/Vs./

- 1.The Union of India,
Rep. by its Secretary,
Ministry of Women and Child Development,
New Delhi.
- 2.The State of Tamilnadu,
Rep. by its Secretary,
Department of Social Welfare and
Nutritious Meal Programme,
Fort St. George, Chennai-600 009.
- 3.The Director cum Mission Director,
Integrated Child Development Services Scheme,
Tharamani, Chennai-600 113.



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4. The Deputy Director,
Integrated Child Development Services Scheme,
Tharamani, Chennai-600 113.
 5. The District Programme Officer,
Integrated Child Development Services Scheme,
Virudhunagar, Virudhunagar District.
 6. The Child Development Programme Officer,
Integrated Child Development Services Scheme,
Sattur, Virudhunagar District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent Director cum Mission Director, Integrated Child Development Services Scheme Vide Roc.No.208/NC-III/2017 dated 28.02.2018 quash the same in so far as indicating non-functioning of five Creche Units i.e., Serial Number is 2,3,4,8 and 11 under Serial No.3 is concerned and further direct the respondents to permit the petitioner to continuously run five Creche units i.e., Serial Number is 2,3,4,8 and 11 under Serial No.3 in the impugned order and disburse grant to five Creche units from 01.04.2017 in order to implement "Rajiv Gandhi National Creche Scheme".



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For Petitioner : Mr.S.Xavier Rajini
For R1 : Mr.R.Nanthakumar
Central Government Standing Counsel
For R2 & R6 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 28.02.2018, thereby informed that the non-functional Creche mentioned in the annexure run by the Non Governmental Organisation are hereby deemed to be closed after 31.03.2017.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner Society namely "Community Development Organisation" is a registered society under the Tamil Nadu Societies Registration Act 1975. The petitioner is running 11 creches in the remote



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area of Virudhunagar District and effectively implementing "Rajiv Gandhi National Creche Scheme" since 2000. The first respondent Government of India have implemented the Rajiv Gandhi National Creche Scheme through Non-Governmental Organisations after giving proper training. Thereafter, the first respondent Government of India directed the second respondent State Government to take over all the Creche running under their State under "as is where is basis" and further directed the State Government to give report about the release of grant to all Creches. Accordingly, the second respondent State Government has taken over all the 958 existing Creche and nominated the third respondent Director to draw and disburse the grant of the Government of India to the Creches w.e.f. 01.01.2017. Thereafter, an inspection was conducted and there were some irregularities found in the home. Therefore, the petitioner was issued with impugned order by the third respondent.

4. In view of the above, the third respondent is directed to conduct a fresh inspection in the petitioner's Creche and if any irregularities and discrepancies are found in the petitioner's Creche, the third respondent is



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at liberty to issue fresh show case notice and take appropriate action in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2024

Index : Yes / No
NCC : Yes / No
am



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G.K.ILANTHIRAIYAN, J.

am

Order made in
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