



W.P.No.31242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.31242 of 2025

N.Jayakumar

...Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Valudhareddy Post
Villupuram 605 602.

2. The General Manager

Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Regional Office, Rangapuram,
Vellore - 632 009.

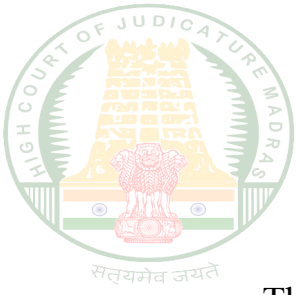
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to provide vehicle parking duty at Tirupathur Depot of the respondent Transport Corporation to the Petitioner being the Care giver of 75% disabled female child so as to enable the disabled child to get support as envisaged in the provision of the Rights of Persons with Disabilities Act 2016.

For Petitioner : Mr.N.Ishak

For R1 and R2 : M/s. S.Pavithra

ORDER



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The writ petition is filed for the relief herein below set out:

directing the respondents to provide vehicle parking duty at Tirupathur Depot of the respondent Transport Corporation to the Petitioner being the Care giver of 75% disabled female child so as to enable the disabled child to get support as envisaged in the provision of the Rights of Persons with Disabilities Act 2016.

2. The brief facts which has culminated in the filing of this writ petition are set out below:

2.1. It is the case of the petitioner that he joined the services of the respondent Transport Corporation as a Driver on 11.09.2007. He would submit that his 2nd daughter, Selvi. Dhanusri aged about 7 years has been diagnosed with "Down Syndrome", she having been born with an extra chromosome that has caused changes in development of her body and brain. She is a speech impaired with locomotor disability and has been certified as 75% Intellectually Disabled. Therefore, she requires constant support and has to regularly taken for treatment to the Christian Medical College, Vellore. The treatment is very important for her to gain her health and she is under intensive and regular multi-disciplinary therapy, which has to be continued for the next few years.



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Therefore, the present avocation namely that of a driver, impedes him from giving the requisite attention to his daughter. Therefore, he has requested the respondent to provide him with vehicle parking duty instead of duty as a driver which involves long hours. The provisions of the Rights of Persons with Disabilities Act 2016 (hereinafter called, the Act) recognizes the parents of disabled children as Care givers and therefore invoking the provisions of Act, the petitioner has sought this mandamus.

3. Heard the learned Counsels on either side and perused the records.

4. Section 2(d) of the Act describes the Care-giver as,

"Care-giver" means any person including parents and other family members who with or without payment provides care, support or assistance to a person with disability".

and also Section 4(2) of the Act would read as follows:

The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability".

Therefore, a reading of this provision would indicate that the person



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with disability is entitled to care, so as to enable them to be integrated into the society. The care givers role has also been emphasized under the Act. The averments in the Writ Petition would indicate that the petitioner's daughter has to be regularly taken to Christian Medical College, Vellore and if the petitioner continues as a driver, it would be difficult for him to allocate time to take care of his daughter. The Petitioner has made his representation to the Respondent on 26.04.2025.

5. Considering the above circumstances, the respondent may favourably consider the request of the petitioner to allot him with a different duty, taking into account, the condition of his daughter. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands allowed. There shall be no order as to costs.

20.08.2025

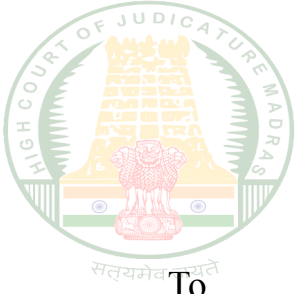
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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No



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To
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P.T.ASHA J.

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