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W.P.No.33133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.33133 of 2023

M/s.St.John Special Higher Secondary,
School for Differently Abled,
Rep. by its Correspondent,
Mr.J.Jayaraj Jayachandran,
No. 9, New Street, Mandakarai,
Villupuram.

... Petitioner

Vs

1. The State Commissioner for Persons with Disabilities & Directorate for Welfare and Differently Abled,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai – 600 005.
2. The District Collector,
Villupuram District,
Villupuram.
3. The District Differently Abled Welfare Officer,
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating the order passed by the third respondent in Na.Ka.No.1853/M.M.N.A./2023 dated 07.09.2023 and quash the same and further direct the third respondent to forward the petitioner's recognition application dated 10.02.2023 to the first respondent.



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For Petitioner : Mr.S.Parthasarathy

For R1 to R3 : Mr.S.Senthil Murugan
Special Government Pleader

ORDER

This writ petition is filed with a prayer to call for the records relating to the order passed by the third respondent in Na.Ka.No.1853/M.M.N.A./2023 dated 07.09.2023 and to quash the same and to further direct the third respondent to forward the petitioner's recognition application dated 10.02.2023 to the first respondent.

2. Upon hearing the learned counsel appearing on behalf of the petitioner and perusing the affidavit filed in support of the writ petition, it can be seen that originally the petitioner's father was running the institution catering to the needs of differently abled persons. It is seen that the recognition that was originally granted expired and even during the father's lifetime, it was not renewed. The renewal application was made and during the earlier proceedings the petitioner's father also expired.

3. Under the said circumstances, an inspection was conducted and orders were passed, resulting ultimately in the impugned order whereby the plight of the inmates was recorded. Some of the differently abled persons were



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taken by their respective families and the remaining persons were sent to other facilities which are duly licensed and the petitioner's institution was closed down. Aggrieved by the same and to restart the institution by duly applying and getting recognition, the petitioner has filed the present writ petition.

4. It can be seen that when earlier applications were made, certain queries were raised and it is stated that the petitioner has rectified the same and that everything is now to the satisfaction of the respondents.

5. The learned counsel appearing on behalf of the respondents would point out that if a fresh application is made, the same will be considered in accordance with law.

6. The apprehension of the petitioner is that in view of the earlier proceedings culminating in the impugned order, any such application that is made by the petitioner should not be rejected by the respondents. In this regard, the counter affidavit itself makes the position clear and it is essential to extract paragraph 16:-

“16. It is further stated that the institution functioning for the differently abled children are to be registered as per Section 50 and Section 51 of Rights of Persons with Disabilities Act, 2016. If the institution is functioning within the contours of the RPwD Act, 2016, the registered



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would be granted by the competent authority after following the due procedures. It is also to be noted that the petitioner has applied for renewal in his father's name. The petitioner's father has died on 18.02.2022 and the application cannot be filed in her father's name. The application is marred by defects that needs to be rectified. Since the petitioner has not rectified the defects in the application and the certification of registration has expired, the petitioner can apply for fresh registration in the current correspondent's name after rectifying the defects communicated via letters dated 20.04.2023 and 07.09.2023 and upon receiving such application, it would be considered as per law."

7. Thus, it can be seen that the earlier impugned order will not come in the way of the petitioner making an appropriate application with all particulars. As and when such an application is presented before the third respondent, the third respondent shall forward the same to the first respondent, who will consider it in accordance with law.

8. In view thereof, this writ petition is ***disposed of*** on the following terms:-

(i) The petitioner shall be at liberty to file an application for fresh registration in the petitioner's own name with all requisite documents and present the same before the third respondent. The third respondent shall scrutinise the same and shall call for any additional particulars if necessary.



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(ii) Upon the petitioner furnishing all particulars, the same shall be forwarded to the first respondent, who shall consider it in accordance with law and pass final orders.
No costs.

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Neutral Citation: Yes/No
nsl

To

1. The State Commissioner for Persons with Disabilities & Directorate for Welfare and Differently Abled,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai – 600 005.
2. The District Collector,
Villupuram District,
Villupuram.
3. The District Differently Abled Welfare Officer,
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D.BHARATHA CHAKRAVARTHY, J.

ns1

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