



WEB COPY

WP No. 5794 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 5794 of 2024

and W.M.P.No.6428 of 2024

M/s.St.John Special School for Mental Retardation,
Rep. by its Correspondent,
Mr.J.Jeyaraj Jeyachandran,
Askokapuri Post,
Villupuram Tauk and District,
Tamil Nadu.

..Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
The Secretary for Differently Disabled Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. Director for Welfare for the Differently Abled,
No.05, Kamarajar Salai,
Lady Willindon College,
Chennai - 600 005.
3. The District Differently Abled Welfare Officer,
Villupuram.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the orders of recovery passed by the second respondent in R.O.C.No.10876/SS/2023 dated 20.12.2023 and quash and further direct the respondents to release the food and teachers' aid to the petitioner school.



For Petitioner:

Mr.S.Parthasarathy

For Respondents:

Mr.S.Senthil Murugan
Special Government Pleader**ORDER**

The writ petition is filed for a mandamus calling for the records relating to the orders of recovery passed by the second respondent in R.O.C. No.10876/SS/2023 dated 20.12.2023 and to quash the same and to further direct the respondents to release the food and teachers' aid to the petitioner school.

2. The factual background in which this writ petition arises is that originally a school for children with mental retardation was conducted by the father of the petitioner. Thereafter, the petitioner continued the same and it has been running from the year 2001. While so, the Government of Tamil Nadu, with a motherly attitude of taking care of such persons, issued G.O.(Ms).No.62, Social Welfare and Nutritious Meal Programme (SW.4) Department dated 31.03.2009, thereby announcing a scheme that wherever special schools are run by voluntary organisations, an outlay of two crores was made and wherever a new building is to be constructed or existing buildings extended, a subsidy of Rs.5,00,000/- was ordered to be paid.

3. By the same G.O., the petitioner institution, namely M/s.St.John Special School for the Mentally Retardation, was awarded a sum of



Rs.5,00,000/- (as mentioned hereinafter) for new construction/extension work and a sum of Rs.72,000/- towards rent. In the meanwhile, an application was also made by the petitioner institution on 19.01.2009 requesting financial assistance. One *Thangavel*, the District Welfare Officer for the Differently Abled, *Villupuram*, by his proceedings dated 28.01.2009 recommended sanction of the amounts to the petitioner institution. Accordingly, by an order dated 11.09.2009 of the State Commissioner for the Differently Abled, it was directed that the amount be released to the petitioner and a demand draft for the said sum of Rs.5,00,000/- was paid to the petitioner. Once again, the building was inspected and a report was given by the said *Thangavel* on 12.01.2010. The Executive Engineer, Villupuram, also valued the building for a sum of Rs.5,12,940/- and submitted his report on 23.02.2010. Finally, orders were passed by the said *Thangavel* on 14.06.2010 recording the fact that the amount was released in two instalments and that if the building is sold by the trust to any third party without being put to use, the amount will be recovered with interest.

4. In the meanwhile, the petitioner institution also submitted a proposal for food and teachers' salary for the years 2011 to 2012, which was not paid even though the scheme envisages payment thereof. The petitioner institution approached this Court by way of W.P. No.18140 of 2012 and by order dated 18.07.2012, this Court directed the respondents to visit the petitioner school



within one week and after inspection, consider the proposal submitted by the fourth respondent dated 15.06.2012 and pass appropriate orders. Pursuant thereto, the Commissioner for the Differently Abled took up the exercise of considering the request for payment of the said sum of Rs.1,80,000/- and while so, found that the sum of Rs.5,00,000/- was wrongly sanctioned without any building being constructed or extension being made and therefore passed an order on 10.09.2012 requesting the petitioner to first deposit the said sum of Rs.5,00,000/- so as to consider the release of the other amounts. The petitioner institution made a detailed representation on 03.10.2012. Even after considering the same, the Commissioner for differently abled by order dated 16.10.2012 reiterated that the sum of Rs.5,00,000/- had to be repaid and only thereafter the release of Rs.1,80,000/- would be considered. The same was challenged by way of W.P. No.31911 of 2012 and by order dated 10.10.2022 this Court quashed the impugned order and remitted the case to the respondents to pass a fresh order on merits in accordance with law within a period of three months.

5. The reason for interference was that no proper opportunity was granted to the petitioner. The Court also considered the fact that the grant was for paying rent and for feeding the inmates, etc., and opined that though there was some suppression by the petitioner, the third respondent had to consider whether any amount could have been granted to the petitioner towards feeding charges.



Thereafter, the Director for the Welfare of the Differently Abled issued a show cause notice on 28.08.2023, mentioning the circumstances under which the show cause notice was issued by stating that under the G.O. the amount could be paid for putting up any construction or extension thereof and that without doing so, the amount was paid and therefore directed the petitioner to show cause as to why it should not be recovered. The petitioner submitted its explanation on 17.10.2023. Thereafter, the order was passed on 20.12.2023 rejecting the explanation that is submitted by the petitioner and directing the petitioner to pay a sum of Rs.5,00,000/- with interest at the rate of 11% per annum from 11.09.2009 till the date of actual realisation. Aggrieved by the same, the present writ petition is filed.

6. While these proceedings were going on, it was brought to the notice of the Court that periodically the respondents were also inspecting the school. On 05.11.2016 itself, it was found that certain facilities were lacking and that the recognition granted to the special school would be cancelled. Ultimately, the recognition expired and was not renewed. The application subsequently made by the present petitioner was also returned and the petitioner had also moved W.P.No.33133 of 2023, in which the writ petition was disposed of by granting liberty to the petitioner to file an application for fresh registration in the petitioner's own name with all the requisite documents and to present the same before the third respondent and the third respondent was directed to scrutinise



the same, call for additional particulars if necessary and consider the application and pass orders in accordance with law. The said proceedings are pending. It is also brought to the notice of this Court by the learned Special Government Pleader appearing for the respondents that disciplinary proceedings were initiated against the said *Thangavel*. On a perusal of the charge memorandum, it can be seen that two charges are made against the said delinquent officer. The first charge is that he wrongly certified that the petitioner was entitled to the sum of Rs.5,00,000/-. The second charge is that without utilising a sum of Rs.1,80,000/-, he returned it to the Government and it is stated that the said disciplinary proceedings are also pending.

7. It can be seen that subsequently the petitioner had also filed W.P. No.38488 of 2016 for grant of food and teacher aid for the subsequent period, which was dismissed, against which a writ appeal in W.A. No.335 of 2017 was filed, and the Hon'ble Division Bench directed restarting of the appellant school and submission of a report. After submission of the report, once again the respondents were directed to consider the case for grant. Similarly, other writ petitions in W.P.Nos.8150 of 2014, 29873 of 2015 and 2202 of 2018 were also filed claiming benefits for various subsequent periods. It is under these circumstances that the present writ petition was heard by this Court.



8. *Mr.S.Parthasarathy*, the learned counsel appearing on behalf of the petitioner, by producing the sale deed dated 18.12.2009, would submit that the school for special children was run by a society namely St.John Society for Development Service, to which *Mr.J.Jeyaraj Jeyachandran*, son of *Mr.Jeyachandran*, was the trustee. As a matter of fact, the building in which the school was run was personally owned by the said *A.Jeyachandran*. By utilising the amount, the trust purchased the property along with the building by a registered sale deed dated 18.12.2009, registered as Document No.5597 of 2009 and therefore it is not as if the fund was not properly utilised at all. It was utilised for the purpose of the building for the school. As a matter of fact, some extension was also made to the building. Therefore, the authorities cannot belatedly contend that the amount was not utilised for the purpose for which it was sanctioned. Upon perusal of the proceedings, it must be seen that only because the petitioner came to this Court claiming a sum of Rs.1,80,000/- the authorities initiated this vindictive action of asking the petitioner to deposit Rs.5,00,000/-. Until then, no action was taken. The authorities are bound to pay the said Rs.1,80,000/- and this amount is also not liable to be refunded by the petitioner. The petitioner trust is willing to continue the school if the application, as directed by this Court in W.P.No.33133 of 2023, is considered.



9. Per contra, *Mr.S.Senthil Murugan*, the learned Special Government Pleader appearing for the respondents would submit that the G.O. is very clear that it must be either for the purpose of putting up a new building or extending the building. Both were not done in the instant case. The application was made falsely mentioning as if they were going to put up a new building. The officer concerned also colluded with the petitioner and certified the same, which is why disciplinary proceedings are being initiated. Now the school is also not being run. It was earlier mismanaged and now the licence itself has expired. Therefore, neither the amount towards food and teacher aid of Rs.1,80,000/- is payable nor the petitioner is entitled to any relief from refunding the sum of Rs.5,00,000/-. No interference is called for with the impugned order.

10. I have considered the rival submissions made on either side and perused the material records of the case.

11. This is one case where the persons on the ground implementing a welfare measure have allowed public funds to go waste. The purpose of the Government in framing the scheme out of taxpayers money should be borne in mind and at all times material efforts should be made to carry out the purposes of the Act. In this case, it was with the noble purpose of running a special school for mentally retarded and differently abled children. It is a sad truth that



even with reference to the present area stated to be *Villupuram* and in and around the same, in the town and villages, there are many such special children craving for attention. If any non-governmental organisation is willing to run a small facility without abusing the children and by taking care of them in the manner known to law, it has to be encouraged by all means. But merely because the particular officer did not properly report that the building was purchased and not newly put up or extended and seek proper rewording of the Government Order or orders of the higher authorities and he released the amount and the petitioner also, as found by this Court in the earlier writ petition, furnished misleading information in the application as if the building was being put up, the main purpose was thwarted. There was fault both on the petitioner's side as well as on the side of the authorities.

12. In any event, it can be seen that the food and teacher aid amounting to Rs.1,80,000/- cannot be refused, as the promise was made and the scheme was framed during the relevant period, the petitioner provided food and the teachers were also working. Therefore, the said sum of Rs.1,80,000/- is payable. As far as the recovery of Rs.5,00,000/- is concerned, it must be seen that the petitioner did not get the amount by mentioning the true purpose. At the same time, it was also not siphoned off or misappropriated, but a building was purchased by the trust, which means that it cannot now be individually disposed of by the petitioner or put to any other use except for the use of the trust. Therefore,



instead of recovering the amount, the purpose would be better served by the Government ensuring that the trust carries on its activity and the building is put to its intended use.

13. In that view of the matter, I am of the view that firstly, the amount payable, being a sum of Rs.1,80,000/- can be adjusted from the amount of Rs.5,00,000/- that is now ordered to be refunded. No further steps need be taken to recover the balance sum of Rs.3,20,000/-. The petitioner's application for restarting the school shall be considered as expeditiously as possible and all efforts shall be taken to make the petitioner comply with the norms and restart the school so that at least a few children can be properly educated and the trust building is put to its original use at the earliest. If the petitioner restarts the school and if he is eligible for any other aid as per the G.O., the past episode will not disentitle the petitioner and the same shall be considered on its own merits as per the prevalent schemes. If the petitioner restarts the school and the trust carries out its pious purposes, no coercive steps need be taken for recovery. On the other hand, without taking any steps for running the school or for any other pious purpose relating to the differently abled or mentally retarded, if the trust property is being used as a personal residence alone or for any other commercial activity, then it will be open to the respondent authorities to recover the balance sum of Rs.3,20,000/-.



14. Needless to mention that if any other amount is to be determined and paid pursuant to the earlier orders of this Court, the petitioner is at liberty to pursue the same, which is not decided in this writ petition and the authorities shall also look into the matter and release the amount, if any, due. It is made clear that the parties shall act as expeditiously as possible, as the trust building should be put to use for the original pious purpose as early as possible. The application for renewal and other prayers shall be considered by the respondent authorities as expeditiously as possible and in any event not later than three months from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

15. In view thereof, the writ petition is *disposed of*. No costs. Consequently, connected miscellaneous petition is also closed.

05-02-2026

Neutral Citation: Yes/No

NSL

To

1. The Secretary, The Government of Tamil Nadu,
The Secretary for Differently Disabled Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2. Director for Welfare for the Differently Abled,
No.05, Kamarajar Salai,
Lady Willindon College, Chennai - 600 005.

3. The District Differently Abled Welfare Officer, Villupuram.



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D.BHARATHA CHAKRAVARTHY, J.

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