

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HON'BLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14250 of 2016

and

W.M.P.No.12445 of 2016

Billgates College of Education
Run by Sri Venkateswara Educational Trust
Rep. by its Correspondent P.Punniyakotti
Gengavaram Kanakkankuppam Post
Gingee Taluk-604 151
Villupuram District
Tamil Nadu. Petitioner

Vs.

1. The Director
Adi-Dravidar & Tribal Welfare Department
Ezhilagam
Chepauk, Chennai-600 005.
2. The District Adi-Dravidar and
Tribal Welfare Officer
Villupuram
Villupuram District. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to pay the students scholarship amount of Rs.9,54,500/-, for the academic year 2012-2013, to the petitioner.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner has come up with the present Writ Petition for a Mandamus, directing the respondents to pay the students scholarship amount of Rs.9,54,500/-, for the academic year 2012-2013, to the petitioner.

2. The brief facts, which are necessary to dispose of this Writ Petition, are as follows:-

(i) It is the case of the petitioner that he is the Correspondent of the petitioner Institution. The petitioner Institution is importing education for B.Ed. Course, D.TEd. Course and also running school upto 8th standard. The respondents have to reimburse the fee payable by the students belonging to Scheduled Caste and Scheduled Tribal community, by way of scholarship, with a view to educate and uplift such students, who belong to the lower strata of the Society. The respondents had reimbursed for the earlier academic year upto 2009-2011 and yet to be reimbursed for the academic year 2012-2013.

(ii) For the academic year 2012-2013, the petitioner College had admitted 23 students belonging to Scheduled Caste and Scheduled Tribe community and such students had successfully completed their B.Ed. Course. For the academic year 2012-2013, the respondents are bound to reimburse the tuition fee, admission fee, special fee and exam fee. In an earlier occasion, the respondents had transferred the scholarship amount by way of reimbursement to Indian Bank, Malavanthangal Branch, Villupuram District. However, for the academic year 2012-2013, the respondents have not reimbursed despite several requests made by the petitioner. In this regard, the petitioner had sent a communication on 04.12.2012 to the 2nd respondent. The scholarship payment has to be applied, through online from academic year 2011-2012 and 2012-2013. The petitioner Institution is situated in remote Village and often the internet connection is not working and therefore, the petitioner was unable to apply through online. Due to frequent power cut supply in the Village also, the petitioner Institution finds it difficult to use the internet connection. Pursuant to the communication, dated 05.11.2015, the petitioner appeared before the 2nd respondent and applied for the scholarship payment for the academic year 2012-2013.

(iii) On 16.12.2015, the petitioner had sent a representation to the respondents. Followed by that, the petitioner has sent another representation on 29.01.2016, seeking to reimburse the students scholarship payment for the academic year 2012-2013 to the tune of Rs.9,54,500/-, which is earmarked for the students belonging to Scheduled Caste and Scheduled Tribe community. Since, there was no response, the petitioner has sent reminders on 25.02.2016 and 01.04.2016. However, till date, no order has been passed by the respondents. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard Mr.S.Udayakumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent/The District Adidravidar & Tribal Welfare Officer, Villupuram District, to consider the representation of the petitioner, dated 29.01.2016, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the 2nd respondent to pass appropriate orders purely on merits.

5. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director
Adidravidar & Tribal Welfare Department
Ezhilagam
Chepauk
Chennai-600 005.

2. The District Adidravidar and
Tribal Welfare Officer
Villupuram
Villupuram District.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.24125
+1cc to the Government Pleader, S.R.No.24209

W.P.No.14250 of 2016

KSJ(CO)
CA(10/05/2016)