

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15752 of 2016

Sri Nandhanam Educational and
Social Welfare Trust,
rep. by its Chairman,
P.M.N.Mohan Krishnaa

... Petitioner

vs.

1.The Director,
Directorate of Technical Education,
Guindy, Chennai-25.

2.The Director of Adi Dravidar
Welfare,
Chepauk, Chennai-5.

3.The District Adi Dravidar and Tribal
Welfare Officer,
Collectorate Buildings,
Sathuvacheri, Vellore-9.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to release the 100% Post Matric Scholarship scheme for the SC/ST students studying in Sri Nandhanam College of Engineering and Technology and Sri Nandhanam Polytechnic College run by the petitioner trust for the year 2015-16 immediately based on the students list submitted by the petitioner trust dated 18.2.2016 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Navaneethan,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The present writ petition has been filed for a mandamus, directing the respondents to release the 100% Post Matric Scholarship scheme for the SC/ST students studying in Sri

Nandhanam College of Engineering and Technology and Sri Nandhanam Polytechnic College run by the petitioner trust for the year 2015-16 immediately based on the students list submitted by the petitioner trust dated 18.2.2016 within a time frame to be fixed by this Court.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner trust has established two educational institutions viz., Sri Nandhanam College of Engineering and Technology and Sri Nandhanam Polytechnic College, both approved by AICTE. The State Government has taken a policy decision for bearing the tuition fee for SC/ST students studying in Self Financing Colleges including Minority Colleges by making payment of the tuition fees to the college concerned by way of reimbursement. Further, the tuition fees for the students admitted in the Self Financing College will be fixed by the Fees Determination Committee and accordingly, the Government issued orders in G.O.Ms.No.92, Adi Dravidar and Tribal Welfare Department dated 11.9.2012.

(b) The two educational institutions run by the petitioner trust viz., Sri Nandhanam College of Engineering and Technology and Sri Nandhanam Polytechnic College admitted SC/ST students sponsored by the Adi Dravidar Welfare Department. In respect of the students admitted under SC/ST category, the fees receivable from the department by the institutions is pending since the commencement of current academic year during month of June, 2015. The tuition fees as fixed by the Government shall be paid before the end of academic year and in case of non-compliance, the students are not eligible to be continued in the rolls or to appear for the examination. The final examinations of current academic year have been scheduled to begin from 25.4.2016, but the tuition fees as fixed by the Government for SC/ST category students sponsored by Adi Dravidar Welfare Department of Tamil Nadu Government has not been received till date by the institutions.

(c) Since the delayed and deferred payment of tuition fees by the respondents in respect of SC/ST students has caused immense hardships, the petitioner trust approached the respondents seeking to release the tuition fees for the academic year 2015-16. In this regard, the petitioner trust submitted a representation dated 20.4.2016 to the respondents for payment of the fees. Since the same was not considered, the petitioner trust has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of respondents.

5. Though the petitioner has sought for a larger relief, this Court is not inclined to give any such a relief. However, considering the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner trust, this Court is inclined to pass the following order:-

(i) The petitioner trust is directed to give a detailed representation to the second respondent, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order;

(ii) On receipt of the same, the second respondent is directed to consider the said representation and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner trust, within a period of two weeks thereafter.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi
To

- 1.The Director,
Directorate of Technical Education,
Guindy, Chennai-25.
- 2.The Director of Adi Dravidar Welfare,
Chepauk, Chennai-5.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Buildings,
Sathuvacheri, Vellore-9.

+1cc to Mr.G. Sankaran, Advocate, S.R.No.27116
+1cc to the Government Pleader, S.R.No.26843

EV(CO)
EU(04/05/2016)

W.P.No.15752 of 2016