

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5633 of 2016

T.V.M.College of Education,
rep. by its Correspondent
T.R.Surendar

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Adi Dravidar and Tribal Welfare
Department,
Fort St. George, Chennai-9.

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

3.The District Adi Dravidar and
Welfare Officer,
Thiruvallur District.

4.The Director,
Director of Collegiate Education,
Chennai-6.

5.The Registrar,
Tamil Nadu Teachers Education
University,
Lady Willingdon College Campus,
Kamarajar Salai, Chennai-5.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to verify records and certificates of the SC and ST students studied in the petitioner institution during the year 2011-2012 and 2012-2013 and release the scholarship amount of Rs.12,12,000/- for the year 2011-2012 and Rs.8,02,000/- for the year 2012-2013 in accordance with G.O.No.92 dated 11.9.2012, Adi Dravidar and Tribal Welfare Department in favour of the petitioner.

For Petitioner : Mr.S.Senthil Nathan

For Respondents :Mrs.P.Rajalakshmi,
Govt. Advocate,
for R.1 to R.4
Mr.K.Venkatesan,
for R.5

ORDER

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

2. The petitioner has come up with the present writ petition for the issuance of writ of mandamus directing the respondents to verify records and certificates of the SC and ST students studied in their institution during the year 2011-2012 and 2012-2013 and release the scholarship amount of Rs.12,12,000/- for the year 2011-2012 and Rs.8,02,000/- for the year 2012-2013 in accordance with G.O.No.92 dated 11.9.2012, Adi Dravidar and Tribal Welfare Department in their favour.

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

(a) The petitioner institution has been affiliated to Tamil Nadu Teachers Education University in TNTEU Affi No.TNTEU/R/Affln. 2008/301 dated 30.9.2008 and the National Council for Teachers Education has recognized their institution in NCTE order No.FSRO / NCTE/B.Ed / 2007-2008 / 4089 dated 22.8.2008.

(b) The Government of Tamil Nadu, Adi Dravidar and Tribal Welfare Department, issued G.O.No.92 dated 11.9.2012 for grant of free college tuition fee assistance / scholarship for Schedule Caste and Schedule Tribe students, whose parents' annual income is not more than Rs.2,00,000/-. The Government will grant the college tuition fee assistance / scholarship as per the fee fixed by the Self Financing College Determination Committee to the eligible candidates and the same is granted to the eligible Schedule Caste and Schedule Tribe students studying in the colleges recognized by the Government of Tamil Nadu. The Government of Tamil Nadu had also issued various G.Os. in this regard and the said grant is given to the institutions after verification of necessary records of eligible students. The institutions shall not collect tuition fees from such students.

(c) In this regard, the Registrar of Tamil Nadu Teachers Education University, the fifth respondent herein issued a communication dated 8.11.2012 in official communication

No.TNTEU/ R/DCE / Circular / 2012/ 2023 asking the college Principals to send all the details of students studying in their institution who are eligible for SC and ST scholarship along with all the relevant records and certificates as per G.O.No.92 dated 11.9.2012 of the Adi Dravidar and Tribal Welfare Department to the Director of Collegiate Education.

(d) As per the instructions of the fifth respondent, the petitioner institution sent all the details of the eligible SC and ST students along with all relevant records and certificates to the fourth respondent by enclosing a covering letter dated 28.11.2012 and the same was directly handed over in the office of the fourth respondent on 29.11.2012. The second respondent by proceedings dated 13.7.2015 granted opportunity to the institutions that have been left over from verification of the SC and ST students' records for the year 2011-2012 and 2012-2013 and asked the institutions to come for verification. In the said proceedings, the name of the petitioner institution was found a place in Sl.No.10 of Annexure-3 for Thiruvallur District. The verification of the Thiruvallur District was fixed on 22.7.2015. Accordingly, the correspondent of the petitioner institution went to the office of the third respondent with all the relevant records of the eligible students on 22.7.2015 at 10.00 a.m. But, the third respondent refused to verify the records stating that the petitioner institution did not make an on-line application. The fourth respondent did not say that an on-line application has to be made. The petitioner institution submitted the application along with all the records in the prescribed format and handed over the same to the fourth respondent directly on 29.11.2012 and he has also acknowledged the same, which is one day before the prescribed date. Hence, the petitioner institution sent a representation dated 7.8.2015 to the respondents asking them to release the scholarship amount of Rs.12,12,000/- for the year 2011-2012 and Rs.8,02,000/- for the year 2012-2013 along with necessary records. Since the said representation has not been considered so far, the petitioner 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, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

5. Considering the facts and circumstances of the case, and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 7.8.2015 seeking to verify records and certificates of the SC and ST students studied in their institution during the year 2011-2012 and 2012-2013 and release the scholarship amount of Rs.12,12,000/- for the year 2011-2012

and Rs.8,02,000/- for the year 2012-2013 in accordance with G.O.No.92 dated 11.9.2012, Adi Dravidar and Tribal Welfare Department in their favour and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare
Department,
Fort St. George, Chennai-9.
- 2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai-5.
- 3.The District Adi Dravidar and
Welfare Officer,
Thiruvallur District.
- 4.The Director,
Director of Collegiate Education,
Chennai-6.
- 5.The Registrar,
Tamil Nadu Teachers Education
University,
Lady Willingdon College Campus,
Kamarajar Salai, Chennai-5.

+1cc to M/S.S.Senthilnathan, Advocate, S.R.No.9910
+1cc to M/S.U.Venkatesan, Advocate, S.R.No.9775
+1cc to the Government Pleader, S.R.No.9948

W.P.No.5633 of 2016

rsk(CO)
srg(02/03/2016)