

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE **M.VENUGOPAL****W.P. (MD) No.10931 of 2015****and****M.P. (MD) .Nos.1 and 2 of 2015**

P.Rathinammal

... Petitioner

Vs.

1. The Director of Adhidraavidar and Tribal Welfare,
Directorate of Adhidraavidar and Welfare
Chepauk, Chennai 600 005.
2. The Adhidraavidar Welfare and Tribal
Welfare Officer, Tirunelveli District.
3. The Principal,
Keins College of Education for Women,
Asir Nagar,
Tirunelveli District.

... Respondents

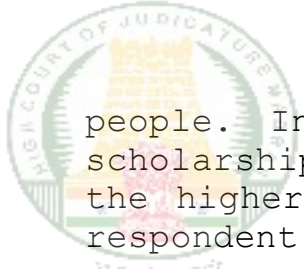
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to pay the scholarship amount of tuition fees and expenses by the first respondent to the petitioner and further directing the second respondent to take appropriate action against the third respondent for non-disposal of scholarship amount to the scheduled tribe student as sanction even after the same is sanctioned by the first respondent.

For Petitioner : Mr.Maheswaran
For R1 and R2 : Mr.S.Chandrasekar
Government Advocate
For R3 : Mr.C.Dhanaseelan

O R D E R

Heard both sides.

2. According to the petitioner, he belongs to Scheduled Tribe Community and her father has a son and three daughters (including herself). The stand of the petitioner is that she completed her XII standard with flying colours and decided to take teaching as a profession. So that, she can educate the poor



people. In the mean while, she came to know that educational scholarship was being provided to poor people like her in pursuing the higher studies. Furthermore, she came to know that the first respondent is providing scholarship of entire tuition fees and expenses apart from scholarship. The first respondent will directly pay the tuition fees to the institution and the institution in-turn would return the said money to the respective students, if they are collected fees and expenses.

3. It transpires that the petitioner joined in the third respondent College for the academic year 2013-14 in Bachelor of Education (B.Ed.,) course. She had to pay the fees to the third respondent, since it would take some time for the first respondent to sanction SC/ST scholarship. As such, her father had no option, but to mortgage their living house and paid the fees to the third respondent amounting to Rs.46,500/-.

4. The plea of the petitioner is that subsequently, she had successfully completed the B.Ed., course, yet she was not sanctioned with the fees and expenses as scholarship which she is entitled to. Her father visited the third respondent on many occasions and caused enquiries about the status of her scholarship sum. As a matter of fact, the third respondent/the Principal, Keins College of Education for Women, Asir Nagar, Tirunelveli District informed her that the same is under progress and also that the scholarship sum of Rs.5,300/- was credited directly in her account.

5. The version of the petitioner is that she along with her father on 26.12.2014, visited the first respondent in-person and enquired about the status of her scholarship for the academic year 2013-2014. To their shock and dismay, the first respondent/Director of Adhidraavidar and Tribal Welfare, Directorate of Adhidraavidar and Welfare, Chennai had informed that they had already sanctioned a sum of Rs.5,300/- towards scholarship and Rs.46,500/- towards fees and expenses for pursuing the course. In fact, scholarship sum of Rs.5,300/- was already credited in her account by the first respondent and the first respondent had sent a sum of Rs.46,500/- being her fees and expenses to the third respondent through Demand Draft dated 13.05.2014. Hence, she rushed to the third respondent College and made a request for the payment of scholarship amount to her as sanctioned by the first respondent. However, the third respondent College informed her that they yet to receive the scholarship sum from the first respondent.

6. At this juncture, the learned counsel for the petitioner submits that on 01.06.2015, the petitioner sent a detailed ~~complaint~~ ^{representation} to the first respondent to take appropriate steps to enable the petitioner to receive the scholarship amount towards her fees and expenses from the third respondent. Since her

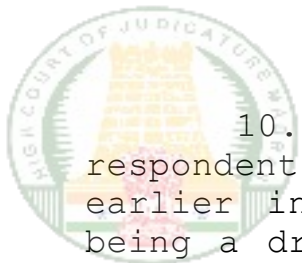


representation dated 01.06.2015 has not met with any positive response, she has filed the present Writ Petition before this Court.

7. In response, it is represented on behalf of the respondents 1 and 2 that 14 students in the third respondent College, Valliyoor had applied for Scheduled Caste scholarship for the academic year 2013-14 and indeed, the application was forwarded to the Director of Adi Dravidar and Tribal Welfare, Chennai for sanction of scholarship. The first respondent/Director of Adhidraavidar and Tribal Welfare, Directorate of Adhidraavidar and Welfare, Chennai, in reality, had scrutinised the application and only 12 students were sanctioned with the scholarship and the same was published in the web-site dated 13.02.2015. The scholarship amount of 12 students was sent through cheque dated 13.05.2014, directly to the concerned Educational Institution for the disbursement of the aforesaid amount without any delay. But the Educational Institution without considering the Director's sanctioned list, disbursed the amount, according to their own decision, without the knowledge and also without receiving any instruction from the concerned authorities.

8. The learned Government Advocate brings it to the notice of this Court that inasmuch as the first respondent had sanctioned a sum of Rs.5,58,000/- for 12 eligible Scheduled Caste students which was forwarded to the concerned Educational Institutions directly, nothing should be done in the Office of the second respondent and therefore, the respondents 1 and 2 are not in any way responsible for the sanction payment of the scholarship amount in question.

9. The third respondent College, through in the counter, had taken a plea that the petitioner is one among the 14 students for applying the scholarship and out of these 14 students, 12 are Hindu Scheduled Caste and one student is Hindu Scheduled Caste (converted into Christianity) and the other one is the writ petitioner, who is a Hindu Scheduled Tribes (converted into Christianity). It is represented on behalf of the third respondent that on 13.05.2014, the Demand Draft for Rs.5,58,000/- was issued in the name of the College towards the scholarship amount of 12 Scheduled Caste students. Furthermore, out of the 12 Scheduled Caste students, one Miss.Anbarasi was found ineligible for the scholarship, on 21.10.2014, when the Officers of the Local Fund Audit inspected the third respondent College. The reason for her ineligibility being that annual income of her parents exceeded Rs.2 lakhs i.e., Rs.3,11,592/-. When the said fact was informed to the said Anbarasi, she produced another annual income certificate of her parents, in which the income of her parents was shown as Rs.95,000/- services. But the second respondent had not accepted the income certificate produced by the Anbarasi.



10. The clear-cut case projected on behalf of the third respondent is that the said Anbarasi is still maintaining that her earlier income certificate was an erroneous one and her father being a driver in the Tamil Nadu State Transport Corporation and the income has to be assessed on the basis of basic pay and not on other allowances and this matter is related to the said Anbarasi and the Government. It is also the stand of the third respondent that the officials from the first respondent contacted the third respondent College over phone and instructed them to recover the scholarship paid to Miss. Anbarasi and pay the same to the petitioner and as such, the College requested the first respondent office to supply the list of the students, who were sanctioned for the said scholarship and in the first list meant for 11 students, the petitioner's name does not find place. Further, the writ petitioner's name was included in a separate list and which was appended with the list of 11 students.

11. At this juncture, the learned counsel for the petitioner urges before this Court that the third respondent College in its counter, at paragraph 11, in a crystal clear fashion had mentioned that the College had taken all steps within its reach to collect the scholarship amount from other students viz., Miss. Anbarasi and they had also informed the Government about the steps taken by them. Further, on 17.02.2015, the College had written to the Special Tahsildar, Educational Scholarship, District Adi Dravidar and Tribal Welfare Office, Tirunelveli to take appropriate action.

12. This Court has given anxious consideration to the respective contentions advanced on either side and noticed the same.

13. As far as the present case is concerned, it is quite evident that the petitioner is entitled to her claim of Rs.46,500/- being the scholarship amount. Admittedly, the said amount has not been paid to her till date. In this regard, the 1 and 2 respondents, in their counter, had un-hearingly accepted that the petitioner is entitled to the scholarship sum of Rs.46,500/- and in fact, the first respondent had scrutinized the scholarship application and in the 12 sanctioned students, the petitioner is one among them. Furthermore, the learned Government Advocate appearing for the respondents 1 and 2 brings it to the notice of this Court that the first respondent had sanctioned a total scholarship of Rs.5,58,000/- being the scholarship amount of 12 students, in which the petitioner is one among them and that the third respondent without taking note of the first respondent's sanctioned list, disbursed the amount, according to their own decision, without the knowledge or without receiving proper instruction either from the sanctioned or forwarding authorities and as such, in the subject matter in issue, the respondents 1 and 2 cannot be found fault with. In

arguments projected on behalf of the 1 and 2 respondents is that the the third respondent College is responsible for effecting the payment of Rs.46,500/- to the

petitioner and from this responsibility, the third respondent College cannot escape and they are bound to pay the said amount of Rs.46,500/- to the petitioner.

14. It is to be borne in mind that the petitioner, in the instant case, is not concerned with the payment of scholarship amount given to one Anbarasi in a wrongful manner. When the fact situation is that the petitioner is entitled to a sum of Rs.46,500/- towards tuition and expenses fees for the year 2013-2014, the third respondent College is bound to pay the said amount to the petitioner and since till date, the said amount has not been paid by the College, at this stage, this Court, in the interest of justice, equity, good conscience, fair play and even as a matter of prudence, directs the third respondent College to pay a sum of Rs.46,500/- to the petitioner (amount of tuition fees and expenses) within a period of two weeks from the date of receipt of a copy of this order. Consequently, the writ petition succeeds.

15. In the result, the writ petition is allowed with cost. The Third Respondent College is directed to pay a sum of Rs.46,500/- towards fees and expenses for the year 2013-14 to the petitioner within the time prescribed by this Court, failing which, it is made clear that the third respondent College shall pay interest to the aforesaid sum of Rs.46,500/- at 6% per annum till date of realisation. It is abundantly made clear that it is open to the Third Respondent/College to take necessary steps for recovery of scholarship amount wrongly paid to the student viz., Anbarasi as per rules and regulations/ in accordance with Law. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Director of Adhidraavidar and Tribal Welfare,
Directorate of Adhidraavidar and Welfare,
Chepauk, Chennai 600 005.
 2. The Adhidraavidar Welfare and Tribal
Welfare Officer, Tirunelveli District.
 3. The Principal, Keins College of Education for Women,
Asir Nagar, Tirunelveli District.
- +1 cc to M/s.C.Dhanaseelan, Advocate in SR.No.33609
+1 cc to The Special Government Pleader in SR.No.33534
+1 cc to M/s.R.Maheswaran, Advocate in SR.No.33863

W.P. (MD) No.10931 of 2015

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