

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.17973 of 2011

ORDER:

The petitioner, who was a minor, was represented by his father, who was working as an Auto driver. They belong to Lambadi Community, which comes under the Schedule Tribe category. The petitioner appeared for the entrance examination for admission to VI standard in respondent No.3 school for the academic year 2009-2010. He passed VI standard and he was promoted to VII standard and pursued the same during the academic year 2010-2011. The petitioner did not pay the term fee and in those circumstances, respondent No.3 demanded an amount of Rs.51,980/- towards the fee for VII standard and Rs.27,485/- for VI standard. It appears that respondent No.2 issued proceedings on 30.11.2010 clarifying that pre-matric scholarship scheme is restricted only to one child from one SC/ST family in respondent No.3 school and the said orders were issued basing on the G.O.Ms.No.144 S.W. (Q2) Dept. dated 12.12.1996. By the time of study of the petitioner, the petitioner's younger sister was already studying in 1st class from the academic year 2008 and she was given pre-matric scholarship by the Government. When respondent No.3 did not allow the petitioner to prosecute further studies from the academic year 2011-12, the petitioner filed H.R.C. No.1459 of 2010 before the Human Rights Commission, which passed an order on 18.02.2011 directing the Principal Secretary to Government to consider the matter and submit a report. Immediately after receipt of the said order, the present writ petition was filed challenging the proceedings dated 30.11.2010 issuing the clarification given on G.O.Ms.No.144 of

Social Welfare (Q2) Department dated 12.12.1996 as contrary to G.O.Ms.No.329 of Social Welfare (Q) Department dated 21.05.1993 and also G.O.Rt.No.672 of Social Welfare (SW.EDN.2) Department dated 12.11.1999.

This Court by order dated 29.06.2011 while issuing notice before admission directed the respondents to allow the petitioner-student to pursue studies. Pursuant to the said order, the petitioner studied upto X standard. It is an admitted case that no fee was paid to respondent No.3 during the period of his study from VI standard to X standard. Pending the writ petition, the petitioner filed W.P.M.P. No.212 of 2016 seeking a direction to respondent No.3 to release the marks memo of X class and the transfer certificate of petitioner in order to enable him to file before the Narayana Group of Education Institution, Hyderabad, where he is studying the Intermediate II year.

In view of the urgency expressed by the learned counsel for petitioner, this writ petition is taken up for hearing.

It is not in dispute that at the time of admission of the petitioner in respondent No.3 school his younger sister was studying in the same school and was availing the benefit of pre-matric scholarship. G.O.Ms.No.144 dated 12.12.1996 restricts the benefit of pre-matric scholarship only to one child from one SC/ST family in order to extend the benefit to more families rather than giving such benefit to more members belonging to one family keeping in view the limited financial resources of the Government. G.O.Rt.No.672 dated 12.11.1999 was issued making it applicable the scheme to two children who were selected on merit basis. Admittedly, the petitioner was not selected on merit basis.

G.O.Rt.No.598 dated 09.10.2000 was issued extending the benefit of scheme to two children provided the two children are sponsored by the Commissioner of Social Welfare Department. In the instant case, the petitioner was not sponsored by the Commissioner of Social Welfare Department. Thus, he is not eligible either under the G.O.Rt.No.672 dated 12.11.1999 or under the G.O.Rt.No.598 dated 09.10.2000.

Another important factor to be considered is that the proceedings dated 30.11.2010 were issued in respect of some third-party, who is not connected with the petitioner, and it is not known how the writ petition was filed challenged those proceedings. The petitioner is obviously aware of the restrictions imposed on the application of the scheme.

In the circumstances, this Court finds no merit in the writ petition and accordingly, this Writ Petition is dismissed. Consequently, W.P.M.P. No.212 of 2016, filed by the petitioner, is also dismissed. However, this will not prevent the petitioner from paying outstanding tuition fee and claiming original certificate from respondent No.3 school. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

14.03.2016
MVA