

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.6724 and 6725 of 2017

Sri Nandhanam Polytechnic College of
Engineering and Technology
Molagarampatti
Tirupattur 635 601
Vellore District
represented by its Administrative Officer
P. Haridass
S/o M. Ponnusamy Petitioner in W.P. No.6724/2017

Sri Nandhanam Polytechnic College
Molagarampatti
Tirupattur 635 601
Vellore District
represented by its Administrative Officer
P. Haridass
S/o M. Ponnusamy Petitioner in W.P. No.6725/2017
vs.

- 1 The Commissioner
Directorate of Technical Education
Guindy
Chennai 600 025
- 2 The Director of Adi Dravidar Welfare
Chepauk
Chennai 600 005
- 3 The District Adi Dravidar and Tribal Welfare Officer
Collectorate Buildings
Sathuvacheri
Vellore - 9 Respondents in both the WPs

Prayer in W.P. No.6724 of 2017:

Writ Petition filed under Article 226 of Constitution of India seeking to issue a writ of mandamus directing the respondents 2 and 3 to disburse the tuition fee for SC/ST/SCC/SCA students admitted in the petitioner college for the year 2012-2013 under Post Metric Scholarship Scheme in

furtherance to implementation of the orders passed by the first respondent in Letter No.01124/J2/2016 dated 22.02.2016 within a time frame along with interest at the rate of 18% per annum for the belated payment.

Prayer in W.P. No.6725 of 2017:

Writ Petition filed under Article 226 of Constitution of India seeking to issue a writ of mandamus directing the respondents 2 and 3 to disburse the tuition fee for SC/ST/SCC/SCA students admitted in the petitioner college for the year 2012-2013 under Post Metric Scholarship Scheme in furtherance to implementation of the orders passed by the first respondent in Letter No.05606/I-3/2016 dated 22.02.2016 within a time frame along with interest at the rate of 18% per annum for the belated payment.

For petitioner in Mr. G. Sankaran
both the WPs
For respondents in Mr. P. Sanjay Gandhi
both the WPs Addl. Govt. Pleader (Education)

COMMON ORDER

These writ petitions have been preferred seeking a writ of mandamus directing the respondents 2 and 3 to disburse the tuition fee for SC/ST/SCC/SCA students admitted in the petitioner-colleges for the year 2012-2013 under Post Metric Scholarship Scheme in furtherance to implementation of the orders passed by the first respondent in Letter Nos.01124/J2/2016 and 05606/I-3/2016 respectively dated 22.02.2016, within a time frame, along with interest at the rate of 18% per annum for the belated payment.

2 The facts in brief, leading to the filing of the instant writ petitions, are as under:

2.1 The petitioner-colleges conduct courses approved by the All India Council for Technical Education and have been granted affiliation by Anna University. According to the petitioners, as per G.O.Ms.No.6, Adi Dravidar and Tribal Welfare Department dated 09.01.2012 (for brevity "G.O. Ms.No.6"), the Government shall provide assistance to SC/ST/SCC students to undergo higher education in unaided/self financing educational institutions, including minority institutions, by paying tuition fees on their behalf to the concerned colleges. G.O.Ms.No.6 was followed up with G.O.Ms.No.92, Adi Dravidar and Tribal Welfare Department dated 11.09.2012 (for brevity "G.O. Ms.No.92") prescribing the guidelines for implementation of G.O.Ms.No.6. By G.O. Ms.No.92,, the second respondent, viz., the Director or Adi Dravidar Welfare, is directed to reimburse to the concerned

colleges, the tuition fees of SC/ST/SCC students admitted in the petitioner colleges under the management quota.

2.2 While so, payment of money towards Post Metric Scholarship Scheme qua the SC/ST students admitted in the petitioner colleges for the academic year 2012-2013 amounting to Rs.20,82,500/- and Rs.10,92,700/- remained unpaid. Hence, after addressing representations to the authorities in this regard and finding no response, the petitioner colleges filed W.P. Nos. 39641 and 39642 of 2015, which were disposed of by this Court vide common order dated 17.12.2015, directing the first respondent to consider and pass orders on the petitioners' representations dated 05.11.2015 on merits and in accordance with law within a period of four weeks.

2.3 Pursuant thereto, the first respondent, vide letter nos.01124/J2/2016 and 05606/I-3/2016, forwarded the representations of the petitioner colleges to the second respondent for release of money to the petitioner colleges towards Post Metric Scholarship Scheme as per G.O. Ms.No.92.

2.4 Armed with the said orders passed by the first respondent, when the petitioner colleges approached respondents 2 and 3, seemingly, the latter had not obliged on the ground that there is no specific direction and time limit qua payment of tuition fee under Post Metric Scholarship Scheme in the order dated 17.12.2015 passed by this Court in the earlier round of writ petitions filed by the petitioner colleges.

2.5 Feeling aggrieved by the lackadaisical attitude on the part of respondents 2 and 3, the petitioner colleges have preferred the instant writ petitions seeking the aforesaid relief.

3 Heard the learned counsel for the petitioner colleges and the learned Additional Government Pleader appearing for the respondents.

4 When the instant writ petitions came up for admission on 20.03.2017 before this Court (N. Kirubakaran, J.), the learned Judge, recording the fact that one year has rolled over since the first respondent forwarded the papers to the second respondent to decide about the reimbursement of amount payable to the petitioner colleges, directed the second respondent to pass orders and further directed that the matter be listed on 27.03.2017 for production of orders passed. On 27.03.2017, when these writ petitions were taken up for hearing, as a last chance, the matter was adjourned to 03.04.2017 for filing counter affidavit, making it clear that in the event of failure to file counter affidavit, the respondents shall appear before

this Court on 03.04.2017. Notwithstanding the said order, today, neither counter affidavit has been filed nor have the respondents appeared before this Court.

5 In view of the factual matrix as narrated above and considering the fact that the petitioner colleges have sought only a writ of mandamus in the light of the orders dated 22.02.2016 passed by the first respondent, this Court directs the respondents 2 and 3 to make payment of tuition fee to the petitioner colleges towards Post Metric Scholarship Scheme, as per nos.01124/J2/2016 and 05606/I-3/2016 dated 22.02.2016 issued by the first respondent to the second respondent, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions stand disposed of. Costs made easy.

Post for reporting compliance on 26.04.2017.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner
Directorate of Technical Education
Guindy
Chennai 600 025
- 2 The Director of Adi Dravidar Welfare
Chepauk
Chennai 600 005
- 3 The District Adi Dravidar and Tribal Welfare Officer
Collectorate Buildings
Sathuvacheri
Vellore - 9

+1cc to Mr.G. Sankaran, Advocate, S.R.No.20695

ad(CO)
md(07/04/2017)

W.P.Nos.6724 and 6725 of 2017