

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.40331 of 2015

K.Kalaiivanan

.. Petitioner

Vs.

1. The District Collector
O/o.The Collectorate,
Thanjavur District.

2. The Commissioner
O/o.Directorate of Art and Culture,
Tamil Valarchi Valagam, IInd Floor,
Halls Road, Egmore, Chennai 600 008.

3. The Director
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005

4. The Principal
Government College of Fine Arts
Swamimalai Road,
Kumbakonam-2

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 27.09.2015 and consequently direct the third respondent to consider the fourth respondent scholarship application dated 05.04.2013 in Na.Ka.No.2394/A3/2012 and pay the scholarship for the financial year 2012-2013.

For Petitioner : Mr.K.Seetharam

For Respondents-1to 3 : Mr. Anandhamurthy
Additional Government Pleader

For Respondent-4 : Served - No Appearance

O R D E R

The petitioner has filed this Writ Petition seeking a direction to the respondents 1 to 3 to consider his representation dated 27.09.2015 and consequently to direct the third respondent to consider the fourth respondent scholarship application dated 05.04.2013 in Na.Ka.No.2394/A3/2012 and pay the scholarship for the financial year 2012-2013.

2. The petitioner was a student pursuing Bachelor of Fine Arts in Visual Communication under Scholarship Scheme for SC/ST in Visual Communication in the fourth respondent Government College of Fine Arts, Kumbakonam.

3. It is stated by the petitioner that there are various departments in the fourth respondent-College viz., Painting Department, Sculpture Department, Metal Work, Visual Communication Department involving atleast 90% of the practical work. Hence, the students required more money to do the practicals and the Government was also pleased to implement the Scholarship scheme of Rs.8,000/- for SC/ST students studying Fine Arts in Government College.

4. It is the complaint of the petitioner that the fourth respondent-College Principal had not disbursed the Scholarship for the year 2012-2013 to the petitioner and other students. Despite several reminders, the fourth respondent-College had not sent the claim application for Scholarship to the concerned authorities. Hence, the Scholarship was not disbursed to the petitioner. In these circumstances, the petitioner has moved this Court by way of a Writ Petition.

5. Heard Mr.K.Seetharam, learned Counsel for the petitioner and Mr.V.Anandhamurthy, learned Additional Government Pleader for respondents 1 to 3 and perused the materials available on record.

6. From the above facts, it is clear that the sluggish attitude of the fourth respondent-College has caused mental agony to the petitioner. The fourth respondent being the Principal of the College has some responsibility in performing its duties well within time, as these are benevolent scheme introduced by the Government for the promotion of Fine Arts. The in-action on the part of the fourth respondent-College in not sending the claim application, within time, has driven the student to this Court to seek remedy. The said in-action on the part of the fourth respondent will prejudice the interest and the benefit that the petitioner is entitled to under the Scholarship Scheme and the third respondent also cannot refuse

his responsibility on the ground that the claim petition is made by the fourth respondent-College belatedly. However, the relief sought for by the petitioner, has to be answered.

7. Therefore, this Court is inclined to direct the second respondent-The Commissioner, Directorate of Art and Culture to enquire into the matter and consider the fourth respondent's-Scholarship application dated 05.04.2013 in Na.Ka.No.2394/A3/2013 and pay the Scholarship for the financial year 2012-2013. In case, the Scholarship amount is lapsed, the Commissioner, Directorate of Art and Culture is directed to get the same revived and disburse the scholarship to the petitioner and other students. Such exercise has to be done within a period of six weeks from the date of receipt of a copy of this Order.

8. With the above observation and direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

srn

Sub Assistant Registrar

To

1. The District Collector
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Thanjavur District.
2. The Commissioner
O/o.Directorate of Art and Culture,
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3. The Director
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4. The Principal
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+2cc to Mr.Seetharam, Advocate, S.R.No.25359 & 25108

W.P.No.40331 of 2015

NMI (CO)
RS (05/05/2017)