

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2017

CORAM

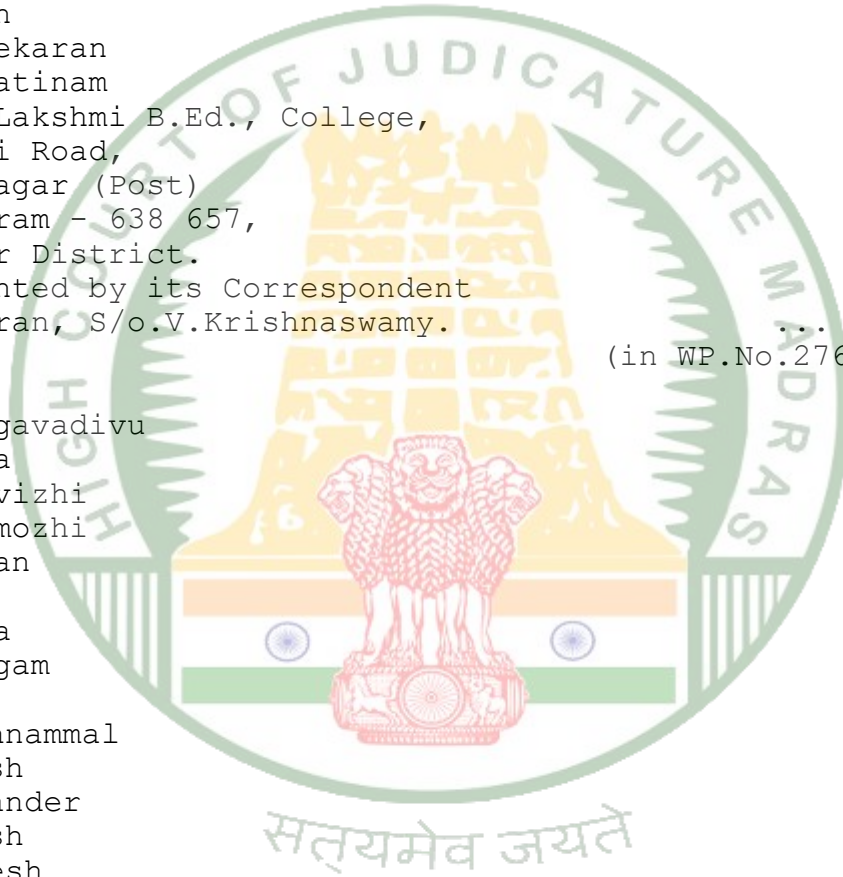
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.27605 of 2016 & 6624 of 2017
and
WMP.No.7108 of 2017

1. M.Vairan
2. S.Sellan
3. S.Rajasekaran
4. P.Rajaratnam
5. Vishnu Lakshmi B.Ed., College,
Pollachi Road,
Ellis Nagar (Post)
Dharapuram - 638 657,
Tiruppur District.
Represented by its Correspondent
K.Baskaran, S/o.V.Krishnaswamy.

... Petitioners
(in WP.No.27605 of 2016)

1. T.Thilagavadiivu
2. K.Sathya
3. R.Kayalvizhi
4. P.Theenmozhi
5. A.Murugan
6. V.Kumar
7. M.Sathya
8. P.Thilagam
9. M.Meera
10. S.Krishnammal
11. K.Ramesh
12. M.Alexander
13. C.Suresh
14. J.Vignesh
15. S.Sivaprakasam
16. M.Mariyappan
17. A.Kokila
18. A.Girija
19. T.Suganthavadiivu
20. D.Kumar
21. B.Tamilselvi
22. R.Magesh
23. P.Prabavathi
24. B.Venmathi
25. R.Muniyammal
26. M.Sangeetha



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27.K.Kavitha
28.K.Kanimozhi
29.C.Priya
30.S.Bhuvaneswari
31.D.Bobby
32.A.Engals
33.M.Silambarasan
34.P.Suganya
35.A.Geetha
36.S.Uma
37.C.Velu
38.G.Indumathi
39.S.Mutharasan
40.K.Nithya
41.Vishnu Lakshmi B.Ed., College,
Pollachi Road,
Ellis Nagar (Post)
Dharapuram - 638 657,
Tiruppur District.
Represented by its Correspondent
K.Baskaran, S/o.V.Krishnaswamy.

... Petitioners
(in WP.No.6624 of 2017)

Vs.

- 1.The State of Tamil Nadu
Represented by
Secretary to Government
Aadhi Dravidar Welfare Department
Fort St. George
Chennai-600 009.
- 2.The Director
Directorate of Aadhi Dravidar Welfare,
Chepauk, Chennai-600 005.
- 3.The District SC/ST Welfare Officer
Collectorate Building,
Tiruppur, Tiruppur District.

... Respondents
(in WP.Nos.27605 of 2016 & 6624 of 2017)

Prayer :

Writ petition No.27605 of 2016 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Roc.No.L1/12920/2015-2 and to quash the order dated 27.06.2016 made therein and to consequently direct the respondent to accept the applications of the petitioners 1 to 4 for grant of scholarship viz., Tuition Fee and Maintenance Grant for the academic year 2015-2016.

Writ petition No.6624 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.No.L1/12920/2015-2 and to quash the order dated 27.06.2016 made therein and to consequently direct the respondent to accept the applications of the petitioners 1 to 40 for grant of scholarship viz., Tuition Fee and Maintenance Grant for the academic year 2015-2016.

For Petitioners : Mr.T.M.Hariharan
(in WPs.27605 of 2016 & 6624 of 2017)

For Respondents : Mr.A.Kumar,
Special Government Pleader
(in WPs.27605 of 2016 & 6624 of 2017)

C O M M O N O R D E R

Both these writ petitions are filed challenging the common order passed by the second respondent dated 27.06.2016, wherein and whereby, the applications filed by the petitioners seeking for scholarship and maintenance grant were returned to the petitioners college on the reason that those applications were not filed/registered through on-line. Consequently, the petitioners seek for a direction to the respondents to accept the applications for grant of scholarship and maintenance grant for the academic year 2015-2016.

2. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

3. It is seen that these students seek for scholarship and maintenance grant. It is further seen that they were not in a position to file/register their on-line applications for issuing such scholarship/ maintenance grant in time, since they were not in a position to obtain the required income certificates at that point of time. It is stated by the petitioners that the income certificates from the respective Tahsildar could not be obtained at the relevant point of time, since those officials were busily engaged in the Assembly Election work. However, after obtaining such certificates, when they sent their applications along with such certificates the second respondent has chosen to pass the impugned order by returning the same as stated supra.

4. The learned counsel for the petitioner submitted that the fault is not on the side of the petitioners and on the other hand, it was only due to the said bonafide reason, that they could not get the income certificates in time. Therefore, he

submitted that when the applications were filed later with those certificates, the second respondent ought to have considered the same.

5. On the other hand, the learned Special Government Pleader submitted that when the applications are to be made only through on-line, in the absence any such filing/registration, the second respondent cannot be faulted in passing the impugned order. However, he fairly submitted that if the petitioners can able to represent the applications along with necessary/relevant documents, the same would be considered and appropriate orders will be passed.

6. Considering the fact that the petitioners were not in a position to make the on-line applications with relevant certificates due to the reason that the revenue officials who have to issue the said certificates viz., Income Certificates, were busy in the Assembly Election, this Court is of the view that the grant of scholarship, if otherwise is eligible, to the petitioners cannot be denied for belated submission of the applications. As it is stated that the petitioners are now having the relevant certificates, this Court is of the view that the second respondent has to look into the matter afresh by receiving the applications along with the relevant certificates.

7. Accordingly, these writ petitions are allowed and the impugned order is set aside. Consequently the matter is remitted back to the second respondent for re-considering the whole issue afresh, after receiving the applications along with necessary/relevant documents from the respective petitioners. The petitioners are directed to furnish the applications along with the relevant documents to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such applications along with the relevant documents, the second respondent will consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Secretary to Government
State of Tamil Nadu
Aadhi Dravidar Welfare Department
Fort St. George, Chennai-600 009.

2.The Director
Directorate of Aadhi Dravidar Welfare,
Chepauk, Chennai-600 005.

3.The District SC/ST Welfare Officer
Collectorate Building,
Tiruppur, Tiruppur District.

+2cc's to Mr.T.M.Hariharan, Advocate, S.R.Nos.50858 & 50859
+1cc to the Government Pleader, S.R.No.50937

W.P.Nos.27605 of 2016 & 6624 of 2017

CS IV
CA(24/07/2017)



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