



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.22918 of 2017

and

W.M.P. (MD) .Nos.19223 and 19224 of 2017

S.Suresh

: Petitioner

Vs.

- 1.The Tahsildar,
Office of the Tahsildar Office,
Dindigul East Taluk,
Natham Road,
Dindigul District.
- 2.The Deputy Tahsildar(Head Quarters),
Office of the Tahsildar Office,
Dindigul East Taluk,
Natham Road,
Dindigul District.
- 3.The Revenue Inspector,
Office of the Revenue Inspector Office,
Mullipadi, Dindigul East Taluk,
Dindigul District.
- 4.The Registrar(I/C),
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the fourth respondent in his proceedings No.H2/SCH/2017, dated 22.11.2017 and quash the same as illegal and consequentially to direct the fourth respondent to sanction scholarship for the petitioner to pursue M.B.B.S., in the fourth respondent college.

For Petitioner

: Mr.B.Anandan

For R-1 to R-3

: Mr.J.Gunaseelanmuthiah
Additional Government Pleader

For R-4
<https://hcservices.ecourts.gov.in/hcservices/>

: Mr.Venkatesh Kumar
for Ajmal Associates

**ORDER**

The Writ Petition has been filed seeking to quash the impugned order passed by the fourth respondent in his proceedings No.H2/SCH/2017, dated 22.11.2017 as illegal and consequentially to direct the fourth respondent to sanction scholarship for the petitioner to pursue M.B.B.S., in the fourth respondent college.

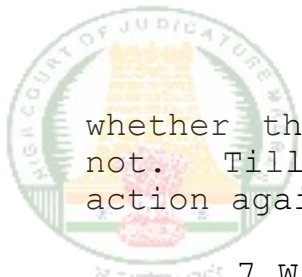
2. Heard Mr.B.Anandan, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.Venkatesh Kumar, learned counsel appearing for the 4th respondent.

3. The petitioner, who claims to be the first graduate in his family, had requested for fees concession from the respondent college, while pursuing her M.B.B.S., Course. By an order dated 22.11.2017, the petitioner's request came to be rejected on the ground that the petitioner's sister has also availed the similar concession and therefore, the petitioner is not eligible. Challenging the same, the present writ petition has been filed.

4. The Government Order in G.O.Ms.No.85, Higher Education, dated 16.04.2010, enables the aforesaid concession in favour of the first time graduation in a family. Subsequently, by way of clarification, the department of higher education of the Government of Tamil Nadu through its letter dated 31.05.2010, had clarified that even though the other member of the family has also been extended with the benefit of first graduation concession, the same can be extended to the other members also, if the earlier member is still pursuing his/her studies or discontinued his/her studies. This clarification dated 31.05.2010 has not been considered by the respondents, while the impugned order came to be passed. It is the specific case of the petitioner that her sister, who has availed the concession, is still undergoing her course and in view of the clarification letter, dated 31.05.2010, the petitioner is also entitled for the first graduate concession.

5. In view of the same, it would be appropriate to direct the respondents to reconsider the petitioner's request, in the light of the Government's clarification letter.

6. In the result, the impugned order dated 22.11.2017, on the file of the fourth respondent is quashed and the matter is remitted back to the fourth respondent for fresh consideration, in the light of the above observations and the clarification letter dated 31.05.2010 issued by the Department of Higher Education, Government of Tamil Nadu, Chennai. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is open to the fourth respondent to ascertain as to



whether the petitioner's sister is still pursuing her studies or not. Till such time, the respondents shall not take any coercive action against the petitioner.

WEB COPY

7. With the above observations, the Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Tahsildar,
Office of the Tahsildar Office,
Dindigul East Taluk,
Natham Road,
Dindigul District.
2. The Deputy Tahsildar (Head Quarters),
Office of the Tahsildar Office,
Dindigul East Taluk,
Natham Road,
Dindigul District.
3. The Revenue Inspector,
Office of the Revenue Inspector Office,
Mullipadi, Dindigul East Taluk,
Dindigul District.
4. The Registrar (I/C),
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002.

+1cc to Spl Government Pleader SR No.77016
+1cc to M/S.B.Anandan SR No.76815
+1cc to M/S.Ajmal Associates SR No.76811

W.P. (MD) No.22918 of 2017
and
W.M.P. (MD) .Nos.19223 and 19224 of 2017

DS (NM) /SKN/SAR 1/12.09.18/3P/8C