

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.1169 of 2018

Billgates College of Education
run by Sri Venkateswara Educational Trust
rep.by its Correspondent P.Punniyakotti
Gengavaram Kanakkankuppam Post
Gingee Taluk 604 151
Villupuram District, Tamil Nadu .. Petitioner

-vs-

1. Mr.K.V.Muralidaran, I.A.S.,
The Director
Adidravidar & Tribal Welfare Department
Ezhilagam, Chepauk
Chennai 600 005
2. Mr.Prakash Velu
The District Adidravidar and
Tribal Welfare Officer
Villupuram
Villupuram District .. Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order of this Court dated 27.6.2017 made in W.P.No.5569 of 2017.

For Petitioner :: Mr.S.Udayakumar

For Respondents :: Mr.M.Elumalai
Government Advocate

ORDER

This contempt petition has been filed by Billgates College of Education represented by its Correspondent Mr.P.Punniyakotti alleging that the order dated 27.6.2017

passed in Writ Petition No.5569 of 2017 has not been complied with.

2. Learned counsel for the petitioner submitted that when the petitioner college questioned the correctness of the order dated 25.8.2016 passed by the District Adidravidar and Tribal Welfare Officer, Villupuram bearing R.C.No.M4/17821/2013 refusing the request of the petitioner for sanction of scholarship to the 23 students belonging to the Scheduled Caste/Scheduled Tribe community who were admitted in the petitioner college during the academic year 2012-13 with a consequential direction to the respondents to pay the scholarship amount of Rs.9,54,500/- for the said academic year, this Court, taking note of the fact that the petitioner college had admitted 23 students belonging to the Scheduled Caste/Scheduled Tribe community and they have also completed their course, but the respondents have not reimbursed the tuition fees, admission fees, special fees and exam fees, as per the earlier order dated 18.4.2016 passed in W.P.No.14250 of 2016 directing the respondents therein to consider the representation of the petitioner dated 29.1.2016, without going into the contentions made by the petitioner and the rival contentions made by the respondents as to whether the students admitted in the petitioner college for the academic year 2012-13 had paid their tuition fees or not, directed the petitioner college

to produce all the documents and reports required as per the letter dated 28.6.2016 sent by the Director of Adidraavidar and Tribal Welfare, Chennai, the first respondent to the District Adidraavidar and Tribal Welfare Officer, Villupuram District, the second respondent for enquiry and on such production of the records and appearance of the authorised person of the petitioner before the respondents, the respondents were directed to consider the request of the petitioner for disbursement of the scholarship amount to the students admitted for the academic year 2012-13. In spite of the said direction, it is pleaded that the respondents have not come forward to sanction the scholarship. On the other hand, some documents said to have been provided by the students concerned showing that they have already paid the tuition fees to the petitioner college, refused to sanction the scholarship. However, out of 23 students, the petitioner college was able to obtain letters from 11 students showing that they have neither paid the tuition fees nor received the scholarship for the academic year 2012-13 from the respondents. Therefore, considering the individual letters produced by the petitioner college from the 11 students, a direction be issued for the sanction of scholarship, he pleaded.

3. The learned Government Advocate for the respondents

submitted that as per the G.O.(Ms)No.32, Adi Dravidar and Tribal Welfare Department dated 19.3.2015, in respect of the students belonging to the Scheduled Caste/Scheduled Tribe admitted during the academic year 2012-13, the petitioner shall not receive any tuition fees directly from the students at any point of time. But in the present case, according to the respondents, there are records showing that the individual students for whom the petitioner college have made a claim for scholarship, have already paid the tuition fees for the academic year 2012-13 to the petitioner college. Therefore, in view of the controversy raised in the present writ petition, liberty may be given to the respondents to hold a thorough enquiry with the students concerned for proceeding further.

4. This Court, on the basis of the letters said to have been obtained from the students concerned showing that they have paid their tuition fees directly to the petitioner college admitted during the academic year 2012-13, hereby directs the first respondent to decide whether he can hold the enquiry or it can be held by the second respondent and thereafter, such enquiry shall be held by either the first respondent or the second respondent, after issuing notices to both the petitioner college and the students concerned in the local taluk office chosen by either of the respondents, and after hearing the parties

shall proceed further. Mr.K.V.Muralidaran, I.A.S., Director, Adi Dravida and Tribal Welfare Department, who is present in the Court, shall also issue suitable circular to all the educational institutions in the State of Tamil Nadu informing that the concerned educational institutions admitting students from the Scheduled Caste/Scheduled Tribe community shall submit their applications for post-matric scholarship within one month from the date of their admission and on receipt of such applications requesting for disbursement of scholarship, the respondents and other officers concerned shall also ensure that the benefit of scholarship gets disbursed and completed before the end of the first semester of the concerned academic year. With this observation and direction, the contempt petition stands disposed of and the contemnor is discharged.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ss

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Smi/28/11/2019

To

1. The Director
Adidraavidar & Tribal Welfare Department
Ezhilagam, Chepauk
Chennai 600 005
2. The District Adidraavidar and
Tribal Welfare Officer
Villupuram, Villupuram District