

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.9723 and 9730 of 2019
and W.M.P.Nos.1032 and 10324 of 2019

1. A.Gokul Nath
2. S.Suresh Kumar
3. T.Selva Kumar
4. S.Ajith Kumar
5. R.Ashok Kumar .. Petitioners in W.P.No.9723 of 2019

1. S.Kesavan
2. K.Sanjay Gandhi
3. V.Jayasurya
4. G.Arun
5. V.Siranjeevi ..Petitioners in W.P.No.9730 of 2019

Vs.

1. The Government of Tamil Nadu
Represented by its Secretary,
Adi-Dravidar and Tribal Welfare Department,
Chennai 600 009.
 2. The Secretary to the Government of Tamil Nadu,
Higher Education Department,
Chennai 600 009.
 3. The Commissioner of Technical Education,
Chennai 600 025.
 4. Adi Dravidar and Tribal Welfare Department,
Rep by its Director,
Chennai 600 009.
 5. The Kavery Engineering College,
Represented by its Principal,
Mecheri, Salem 636 453
- ...Respondents 1 to 4 in both W.Ps
- .. Respondent-5 in W.P.No.9723 of 2019

5. Shreenivasa Engineering College,
Represented by its Principal,
B. Pallipatti, Bommidi,
Dharmapuri 635 301 ..Respondent-5 in W.P.No.9730 of 2019

PRAYER in both W.Ps: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent relating to G.O.Ms.No.52, Adi-Dravidar and Tribal Welfare, dated 11.08.2017 and quash the same.

For Petitioners : Mr.K.Doraisami, Senior Counsel
in both W.Ps for Mr.Kandhan Doraisami

For Respondents-2 and 3 : Mr.V.Kadhirvelu
in both W.Ps Special Government Pleader
(Higher Education)

For Respondents-1 and 4 : Mr.N.Inbanathan,
in both W.Ps Additional Government Pleader

COMMON ORDER

These Writ Petitions are filed by the students, who were admitted in the fifth respondent-College under the Management Quota, challenging G.O.Ms.No.52 Adi-Dravidar and Tribal Welfare, dated 11.08.2017.

2. The Government of Tamil Nadu issued Government Orders providing for Scholarship to the students belonging to Adi Dravidar/Tribal Communities in respect of free and payment seats in Self-Financing Institutions. These orders were modified from time to time. The impugned order is one such order issued on 11.08.2017 introducing certain amendments to the earlier G.O.Ms.No.6 dated 09.01.2012. By the said amendment, it is clarified that this scholarship would be granted only to the extent of rates fixed by the Fee Structure Committee for the free seats under the Government quota with effect from the academic year 2017-2018. The petitioners herein, who belonged to Adi Dravidar Community, have joined the College during the academic year 2017-2018 under the Management Quota. Since the amendment was made subsequent to the admission of these petitioners, who had joined the College under management quota, these Write Petitions are filed challenging the G.O.Ms.No.52 dated 11.08.2017.

3. Earlier, the said G.O.Ms.No.52 was put to challenge before the Madurai Bench of this Court in W.P.(MD) No.17694 of 2017 and W.P.(MD).No.18385 of 2017. A Division Bench of this Court had held that the Government Order would be effective only prospectively and from the academic year 2018-2019 onwards. Admittedly, when the said G.O. was passed during the middle of the academic year, the same cannot be given effect from the beginning of the academic year. The Division Bench had also accepted the said view and passed the following order:

"3. The Government of Tamil Nadu, with a view to help the students belonging to Adi Dravidar community, issued an order in G.O.Ms.No.6, Adi Dravidar and Tribal Welfare Department, dated 09 January 2012, providing scholarship to the students studying in Government and Aided Institutions. The Government made certain amendments to the Government Order in G.O.Ms.No.6, Adi Dravidar and Tribal Welfare Department, dated 09 January 2012. By way of the said amendment, the Government made it clear that the scholarship would be granted only to the extent of rates fixed by the Fee Structure Committee for the free seats under Government quota with effect from the academic year 2017-2018. The Government was well within its powers to amend the order. The grievance of the petitioner appears to be that only during the currency of the academic year, the amendment was introduced. There will be no difficulty to the petitioner, in case the Government Order is implemented from the academic year 2018-2019 instead of 2017-2018. In case the operation of the Government Order is given effect from 2018-2019, it would not affect the petitioner in any manner.

4. We direct the respondents not to extend the amended Government Order to the petitioner, meaning thereby, he would be entitled to the benefit of the earlier order in G.O.Ms.No.6, Adi Dravidar and Tribal Welfare Department, dated 09 January 2012. No other contentions were raised before us.

5. We allow the Writ Petition in W.P.(MD) No.17694 of 2017 as indicated above. No costs. Consequently, the connected Miscellaneous Petitions are closed."

4. It is also stated that the said order of the Division Bench is not taken on appeal and the same attained finality.

5. In the light of the above discussions and following the order of the Division Bench, the Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary,
Government of Tamil Nadu
Adi-Dravidar and Tribal Welfare Department,
Chennai 600 009.
2. The Secretary to the Government of Tamil Nadu,
Higher Education Department,
Chennai 600 009.
3. The Commissioner of Technical Education,
Chennai 600 025.
4. The Director,
Adi Dravidar and Tribal Welfare Department,
Chennai 600 009.

+1cc to Government Pleader sr.36319 & 36318

+2cc to M/s.Muthumani Doriasami, Advocate sr.36125

W.P.Nos.9723 and 9730 of 2019
and W.M.P.Nos.1032 and 10324 of 2019

nr 12/06/2019