

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.24109 of 2017 and
WMP.Nos.25454 & 25455 of 2017

P. Karuppsamy

...Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Chennai 600009.

2. The Secretary to the Government of Tamil Nadu,
Higher Educational Department,
Chennai 600009.

3. The Commissioner of Technical Education,
Chennai 600025.

4. Selvam College of Technology,
Represented by its Principal,
Pappinaickenpatti,
Salem Main Road,
Namakkal 637003.

... Respondents

....

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari or any
other appropriate writ, order or direction in the nature of a
writ calling for the records of the respondents relating to
G.O.Ms.No.52, Adi Dravidar and Tribal Welfare, dated 11.08.2017.

For Petitioner : Mr. Kandhan Duraisami

For Respondent : Mr. Vijay Narayan, Advocate General assisted
by V. Kadhirvelu, Special Government Pleader
(R1 to R3)
No appearance (R4)

O R D E R

Mr. Kandhan Duraisami, learned counsel appearing for the petitioner and Mr. Vijay Narayan, learned Advocate General assisted by Mr.S.Kathirvelu, learned Special Government Pleader appearing for the respondents.

2. This Writ Petition is filed by a student who had joined the first year B.E (Mechanical) course in the 4th respondent college under the Management Quota.

3. The Government of Tamil Nadu has been paying scholarship to the students belonging to Adi Dravidar/Tribal Communities both in respect of free and payment seats in self financing institutions. The Government Order was modified from time to time. The Government issued an order in G.O.Ms.No.52, Adi Dravidar and Tribal Welfare Department, dated 11 August, 2017, introducing certain amendments to the earlier 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. Since the amendment was made subsequent to the admission of the petitioner, he filed a Writ Petition challenging the said Government Order.

4. The aforesaid Government Order came to be challenged before the Madurai Bench of the Madras High Court in W.P.[M.D] Nos.17694 and 18385 of 2017. The Division Bench, vide its order dated 24.02.2019 has held that the Government Order would be applicable only prospectively and from academic year 2018-19 onwards. In fact, the very argument of the petitioner in the the earlier Writ Petitions was to the effect that a change in policy could not be introduced with effect from the beginning of the academic year. Accepting the same, the Bench has stated thus:

"3. The Government of Tamil Nadu, with a view to help the students belonging to 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 2018-19 instead of 2017-18. 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 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."

5. Learned Advocate General confirms that this order has been accepted by the Government and that no appeal has been filed challenging the same.

5. In the light of the aforesaid, this Writ Petition is allowed. No Costs. Consequent upon this order the interim stay granted on 30.01.2018 stands vacated. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Government of Tamil Nadu,
Represented by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Chennai 600009.

2. The Secretary to the Government of Tamil Nadu,
Higher Educational Department,
Chennai 600009.

3. The Commissioner of Technical Education,
Chennai 600025.

+1 cc to Mr.V.Kadhirvelu, Advocate, S.R.No.15995

+1 cc to Mr.Muthumani Doraisami, Advocate, S.R.No.15661

+1 cc to the Government Pleader, S.R.No.16079

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VBA(CO)
SSM(21/02/2019)