

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.33728 of 2019

D.Ilayaraja ... Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Secretary to Government
Adi Dravida and Tribal Welfare Department
Secretariat, Fort St.George
Chennai 600 009
 2. The Director of Adi Dravida Welfare
Chepauk, Chennai 600 005
 3. The District Adi Dravidar and
Tribal Welfare Officer
Chennai District, Chennai
 4. The Registrar
University of Madras
Chennai 600 005
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to consider and pass appropriate order with a limited time frame with regard to disbursement of Post Matric Scholarship to the SC/ST students from the year 2011 till date in the light of the letter dated 06.12.2018 of the fourth respondent.

For Petitioner:: M/s T.Dharani
For Respondents:: Mr.E.Manoharan
Special Government Pleader
for R1 to 3
Mr.Stalin Abimanyu for R4

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

This writ petition styled as 'Public Interest Litigation' is filed by a resident of Gandhi Road, Velacherry and according to him, the Post Matric Scholarship amounts admissible for SC/ST

community students undergoing the three year UG/PG/MBA course through the Institute of Distance Education, University of Madras for the academic years 2011-14, 2012-15, 2013-16, 2014-17, 2015-18 and 2016-19 having been not disbursed to them for years together and on account of the same, they are suffering very much for want of funds and as a consequence, unable to pursue their education and the representation dated 5.8.2019 submitted in this regard has also failed to evoke any kind of response, has come forward to file this writ petition styled as 'Public Interest Litigation'.

2. Heard the submissions of the learned counsel for petitioner, Mr.E.Manoharan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.Stalin Abimanyu, learned counsel for the fourth respondent.

3. The petitioner in paragraph-2 of the affidavit would state that he is a practising Advocate and he is also belonging to a political party, namely, Viduthalai Chiruthaigal Katchi and an active member of the party. If the petitioner is really an active member of the said political party, which is also espousing the cause of people belonging to the Scheduled Caste community, at least in respect of some students, he would have rendered financial assistance, for the reason that he also claims to be a social activist, for which he did not produce any sufficient material.

4. Be that as it may, the matter in issue is no longer res integra, for the reason that a Division Bench of this Court vide order dated 26.10.2018 made in W.P.No.1543 of 2018 (D.Ashok Kumar v. The Director, Union of India, Social Justice and Empowerment, Shastri Bhavan, New Delhi-1 and 5 others) had dealt with the issue relating to the release of funds of Rs.1765.62 Crores to the Scheduled Caste students and Rs.31.2 Crores to the Scheduled Tribe students enabling them to pursue their higher education and other allied reliefs and it is relevant to extract paragraphs 61 to 66 of the order, as follows:-

"61. Objective of the Scheme is to provide / supplement financial assistance to the Scheduled Caste students studying at post matriculation or post secondary stage to enable them to complete their education. Duration and Payment of scholarship governed by Clause VIII and Clause IX of the Scheme 2018 are reproduced hereunder:

Duration and Renewal of Awards

1. The award once made will be payable from the stage at which it is given to the completion of course subject to good conduct and attendance of 75% in every academic year.

2. If a scholar is unable to appear in the annual examination owing to illness,

the award may be renewed subject to production of medical certificate from prescribed authority and acceptance of the same by institution /college.

3. If according to the Regulations of a University/Institution, a student is promoted to the next higher class even though he/she may not have actually passed in lower class and is required to take examination of the junior class again after sometime, he/she will be entitled to scholarship for the class to which he/she is promoted if the student is otherwise eligible for scholarship.

IX. Payment

1. Maintenance allowance is payable from 1st April or from the month of admission, whichever is later, to the month in which the examinations are completed, at the end of the academic year (including maintenance allowance during holidays), provided that if the scholar secures admission after the 20th day of a month, the amount will be paid from the month following the month of admission for a period of ten months/ duration of the course.

2. In case of renewal of scholarships awarded in the previous years, maintenance allowance will be paid from the month following the month up to which scholarship was paid in the previous year, if the course of study is continuous.

3. The Government of the State/Union Territory Administration will pay the non refundable fees and maintenance fees in to the account of the students. Incidental to above changes, Ministry's D.O No.14012/2/2010 & SCD VI dated October 06,2010 addressed to Principal Secretaries/ Secretaries (SW) of all States/UTs regarding instructions to all private institutions not to charge any tuition fee from eligible SC students at the time of admission stands withdrawn. The State government I UT administration will frame modalities regarding periodical and timely release of Scholarship (including fees) to student accounts; so that students can pay the fees to the institution on time and not be subjected to any penalties for late payment/ nonpayment of fees.

4. Scholarship will not be paid for

the period of internship/ housemanship in the M.B.B.S. course or for a practical training in other course if the student is in receipt of some remuneration during the internship period or some allowance/stipend during the practical training in other course.

62. Admittedly, Central Government/Ministry of Social Justice and Empowerment, New Delhi/Respondent No.1, has not released the arrears of scholarship to Scheduled Caste students upto 2016-17 so far and on 13.08.2018 has requested the Ministry of Finance, Government of India, to release additional funds under the Post Matric Scholarship share to scheme on priority, so as to enable the 1st respondent to release the funds to States. However, the 1st respondent has stated that in anticipation of funds from the Ministry of Finance, Administrative approval of the Ministry of Social Justice and Empowerment, has been granted on 16.08.2018, for the balance arrears up to 2016-17 to Tamil Nadu.

63. Government of Tamil Nadu has stated that the estimated expenditure increases by more than 20% of the previous year, but the receipts from the Government of India, is less in all the years. Contention of the State Government that due to the delayed and inadequate release of Central assistance, under the Scheme and there is a burden on the State's exchequer is fortified by the counter affidavit filed by the Director, Ministry of Social Justice and Empowerment, New Delhi that upto 2016-17, there is a balance of Rs.822.91 Crores towards the Central Government's share to be disbursed to Scheduled Caste students in Tamil Nadu.

64. From the above, it is clear that the Central Government have not disbursed the arrears of their shares of Rs.822.91 Crores upto 2016-2017. Though Department of Finance, Government of India, is not a party to this lis, allocation of funds has to be made as per the scheme, promptly. Department of Social Justice and Empowerment, New Delhi, represented by its Director, is directed to disburse the arrears of Rs.822.91 Crores, representing the post-

matric scholarship to SC students upto 2016-17, within two months, from the date of receipt of a copy of this order.

65. The Department of Social Justice and Empowerment, New Delhi, represented by its Director, is directed to disburse the post matric scholarship of Rs.162 Crores, for the year 2017-18, within two months, from the date of receipt of a copy of this order.

66. On receipt of the Central Share of post matric scholarship[s], the Principal Secretary to the Government, State of Tamil Nadu, Adi Dravidar and Tribal Welfare Department, Chennai and the Director, Adi Dravidar and Tribal Welfare Department, Chennai, respondents 3 and 4 herein, are directed to disburse the sum of Rs.162 Crores, of Scholarship to be paid to Scheduled Caste students for the academic year 2017-18, pursuing Arts/Science/Professional courses, within one month thereafter."

5. The said order was also taken note of by this Court while disposing W.P.Nos.19141, 20814 and 20857 of 2019 vide common order dated 15.10.2019 and in paragraph-40 of the order, the Government of Tamil Nadu was directed to take necessary steps to comply with the above cited order passed in W.P.No.1543 of 2018. In the light of the said directions, no further orders are necessary in this writ petition, therefore, it is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Adi Dravida and Tribal Welfare Department
Fort St.George
Chennai 600 009

2. The Director of Adi Dravida Welfare
Chepauk
Chennai 600 005

3. The District Adi Dravidar and
Tribal Welfare Officer
Chennai District, Chennai

4. The Registrar
University of Madras
Chennai 600 005

+lcc to MrP.Velumani, Advocate, S.R.No. 100988
+lcc to the Government Pleader, S.R.No. 101159

W.P.No.33728 of 2019

GMR (CO)
GN (07/01/2020)



WEB COPY