

A.No.9048 of 2019 in O.P.No.109 of 1942

R.SUBBIAH, J

This application has been filed by the applicant/Official Trustee of Tamil Nadu to permit them for awarding scholarship at Rs.10,000/- each and one sovereign Gold medal each to one girl student and one boy student, irrespective of caste and religion, one girl or boy student each in Backward Class/Most Backward Class, Scheduled Caste/Scheduled Tribe, who secures highest marks in Higher Secondary (+2) final examination from the surplus funds of the Trust Estate of V.Thiruvengadathan Chetty commencing from the Academic Year 2013-2014.

2. The learned A.G. & O.T. states as follows:

(a) One V.Thiruvengadathan Chetty had appointed the Administrator General and Official Trustee (A.G. & O.T) of Tamil Nadu to be the Executor and Trustee of his Will, dated 29.11.1941. Probate was granted to the A.G.& O.T. in O.P.No.109 of 1942. Subsequently, the Estate of Rao Bahadur V.Thiruvengadathan Chetty had been transferred to the Office of the Official Trustee of Tamil Nadu, as per the order of this Court, dated 07.04.1977 in Appln.No.942 of 1977 in O.P.No.109 of 1942.

(b) In respect of somewhat similar prayer as prayed for in the present application, an order dated 09.12.2005 was passed by this Court in the Trust

Estate of Kadappakkam Charities in Appln.No.5293 of 2005 in C.S.No.200 of 1930, permitting the Official Trustee to award scholarship at the rate of Rs.10,000/- each and one sovereign Gold medal each to one disabled boy or girl student irrespective of caste and religion, one boy or girl student studying in Corporation schools, one boy or girl student studying in Municipal Schools, one boy or girl student belonging to linguistic/religious minority who secures highest marks in Higher Secondary (+2) final examinations in the respective categories and meet the expenditure from the surplus funds of the Trust estate of Kadapakkam Charities commencing from the academic year 2005-2006.

(c) Further, this Court, by order dated 09.12.2005 in A.No.5294 of 2005 in O.P.No.109 of 1942, relating to the present Estate of V.Thiruvengadathan Chetty Trust, permitted the Official Trustee to award scholarship at Rs.10,000/- each and one sovereign Gold medal each to one girl student and one boy student, irrespective of caste and religion, one girl or boy student each in Backward class, Most Backward Class, Scheduled Caste/Schedule Tribe from the surplus funds of the Trust estate of V.Thiruvengadathan Chetty charities commencing from the academic year 2005-2006.

(d) In the above mentioned order, the eligibility of students is not mentioned like who secures highest marks in Higher Secondary (+2) final examinations in the respective categories, but the same is mentioned in the

order of Appl.No.5293 of 2005 in C.S.No.200 of 1930 relating to the Trust Estate of Kadappakkam Charities. The said A.No.5294 of 2005 in O.P.No.109 of 1942 is related to V.Thiruvengadathan Chetty Charities. Both the applications were filed during the same time and they were allowed on the same day on 09.12.2005. The prayer in A.No.5294 of 2005 in O.P.No.109 of 1942, was allowed as quoted above. But thereafter, the scholarship was given to the students in different categories, who secured highest marks in the higher secondary (+2) final examination as like Kadappakkam Charities upto 2012-2013.

(e) In pursuance of the same, when a note was put up before the Official Trustee for awarding scholarship to the students for the year 2013-2014 to 2015-2016, on going through the order passed in A.No.5294 of 2005 in O.P.No.109 of 1942, dated 09.12.2005, the learned A.G. & O.T. submitted that there was no clarity in the said order dated 09.12.2005 in A.No.5294 of 2005 in O.P.No.109 of 1942 with regard to the class and marks scored by the respective students. Though the idea behind to give scholarship to the students could be higher secondary final examination who secured highest marks, as like to the Kadappakkam Charities, but it was not found in the report submitted by then Official Trustee and consequently, the order was passed as stated therein.

(f) In view of the above order, since the order dated 09.12.2005 in A.No.5294 of 2005 in O.P.No.109 of 1942, is not clear, the present application is

filed for the relief stated supra, seeking clarificatory order.

3. On the above aspects, this Court heard the submissions of the learned A.G. & O.T. advertng to the earlier orders passed by this Court in similar circumstances.

4. Taking into consideration the earlier order in A.No.5294 of 2005 in O.P.No.109 of 1942, dated 09.12.2005, being not with clarity for execution of the order, more particularly, with regard to the class and marks scored by the respective students, the prayer now made in the present application in A.No.9048 of 2019 in O.P.No.109 of 1942 is ordered as prayed for.

5. Accordingly, the learned Official Trustee is permitted to award awarding scholarship at Rs.10,000/- each and one sovereign Gold medal each to one girl student and one boy student, irrespective of caste and religion, one girl or boy student each in Backward Class/Most Backward Class, Scheduled Caste/Scheduled Tribe, who secures highest marks in Higher Secondary (+2) final examination from the surplus funds of the Trust Estate of V.Thiruvengadathan Chetty, commencing from the Academic Year 2013-2014.

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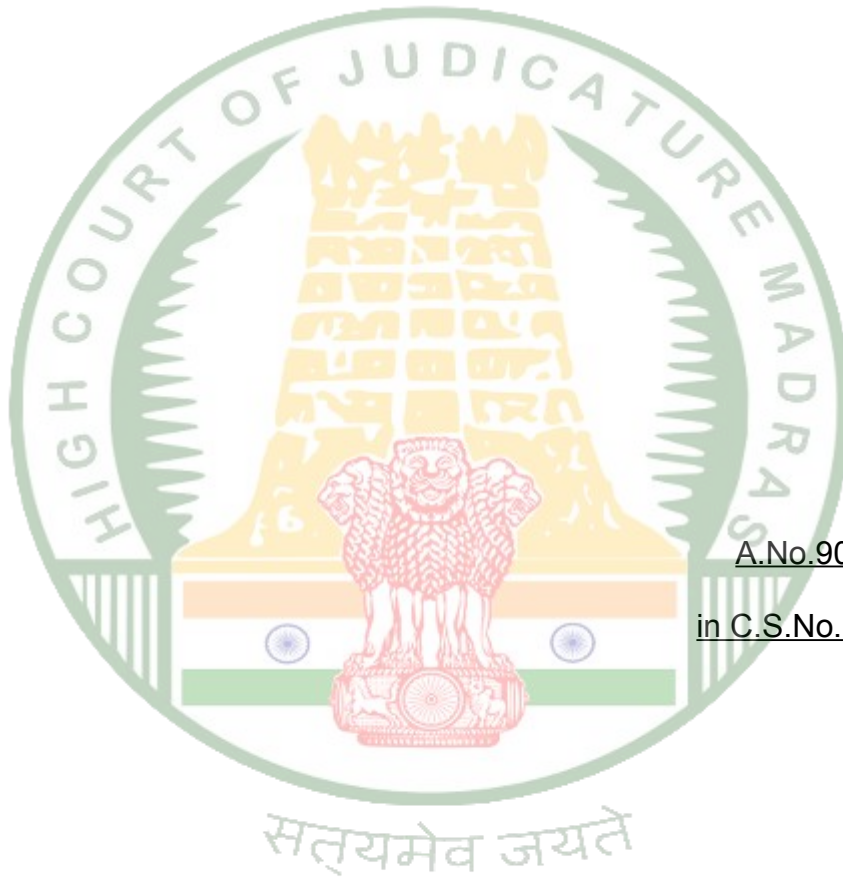
20.12.2019

Speaking Order: Yes

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R.SUBBIAH, J

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