



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.4035 of 2019 and  
W.M.P. (MD) Nos.3136 & 3137 of 2019

S.Suresh

... Petitioner

Vs.

1. The Tahsildar,  
O/o.the Tahsildar Office,  
Dindigul East Taluk,  
Natham Road, Dindigul District.

2. The Deputy Tahsildar (Head Quarters),  
O/o. The Tahsildar Office,  
Dindigul East Taluk,  
Natham Road,  
Dindigul District.

3. The Revenue Inspector,  
O/o.the Revenue Inspector Office,  
Mullipadi, Dindigul East Taluk,  
Dindigul District.

4. The Registrar(I/C),  
Annamalai University,  
Annamalai Nagar,  
Chidambaram - 608 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fourth respondent in his proceedings H2/SCH/2018 dated 01.11.2018 and quash the same as illegal and consequentially to direct the fourth respondent to sanction scholarship for the petitioner to pursue M.B.B.S, in the fourth respondent college.

For Petitioner : Mr.B.Anandan

For R-1 to R-3 : Mr.K.Mu.Muthu,  
Additional Government Pleader.

For R-4 : Mr.Mohamed Imran,  
for M/s.Ajmal Associates.

**ORDER**

Heard the learned counsel on either side.

2. The Writ petitioner belongs to B.C. community. He is now studying M.B.B.S, at Raja Muthiah Medical College. The petitioner claimed First Graduate Scholarship. The petitioner's request was originally denied. Therefore, he filed W.P.(MD) No.22918 of 2017. The Writ petition was allowed and the following order was passed:-

"6. In the result, the impugned order dated 22.11.2017, on the file of the fourth respondent is quashed and the matter is remitted back to the fourth respondent for fresh consideration, in the light of the above observations and the clarification letter dated 31.05.2010 issued by the Department of Higher Education, Government of Tamil Nadu, Chennai. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is open to the fourth respondent to ascertain as to whether the petitioner's sister is still pursuing her studies or not. Till such time, the respondents shall not take any coercive action against the petitioner."

3. After such remand, the fourth respondent by passing the impugned order dated 01.11.2018 reiterated the earlier stand. According to the fourth respondent, the petitioner is not entitled to First Graduate Scholarship, because the petitioner's elder sister is studying her Engineering course in the fourth year. This stand of the fourth respondent is assailed by the learned counsel appearing for the Writ petitioner on the ground that the fourth respondent has not taken note of the clarificatory letter dated 31.05.2010 issued by the Government.

4. The learned counsel appearing for the fourth respondent pointed out that as per G.O.(Ms).No.85 Higher Education Department, dated 16.04.2010, only the first graduate in the family can claim the benefit of scholarship. It is true that G.O.(Ms).No.85 Higher Education Department dated 16.04.2010 certainly reads as suggested by the learned counsel appearing for the fourth respondent. But then, the Government has chosen to issue a subsequent clarificatory letter dated 31.05.2010. In the said clarificatory letter, the Government has clarified that even if the sibling of the applicant is pursuing the graduate course, he or she also is entitled to First Graduate Scholarship. In the instant case, the authority competent to issue the certificate is only the Tahsildar. The said competent authority has already issued a certificate in favour of the Writ petitioner. It is not open to the fourth respondent to sit in judgment over the said certificate. When the competent authority acting in terms of the clarificatory letter dated 31.05.2010, has



recognised that the Writ petitioner is entitled to First Graduate Scholarship, the fourth respondent is bound to recognise the same.

5. In this view of the matter, the order impugned in this Writ petition stands quashed. The Writ petition stands allowed, accordingly. The fourth respondent is directed to sanction the First Graduate Scholarship to the petitioner so as to pursue the M.B.B.S. course in the fourth respondent college. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS- )

To

1. The Tahsildar,  
O/o.the Tahsildar Office, Dindigul East Taluk,  
Natham Road, Dindigul District.
2. The Deputy Tahsildar (Head Quarters),  
O/o. The Tahsildar Office, Dindigul East Taluk,  
Natham Road, Dindigul District.
3. The Revenue Inspector,  
O/o.the Revenue Inspector Office,  
Mullipadi, Dindigul East Taluk, Dindigul District.
4. The Registrar(I/C),  
Annamalai University, Annamalai Nagar,  
Chidambaram - 608 002.

+1 CC to M/s.SPL GP ( SR-62434[F] dated 25/04/2019 )

+1 CC to M/s.AJMAL ASSOCIATES, Advocate  
( SR-62577[F] dated 25/04/2019 )

+1 CC to M/s.B.ANANDAN, Advocate ( SR-63036[F] dated 26/04/2019 )

W.P.(MD)No.4035 of 2019  
24.04.2019

ES/24.07.2019/3P/8C