

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1410 and 1411 of 2020
in
C.S.No.363 of 1912

The Official Trustee of Tamil Nadu,
High Court Campus, Chennai-600 104.

.. Applicant in both the applications

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913 and A.No.1410 of 2020 in C.S.No.363 of 1912 (in the matter of the Will of Nagai Visalakshi Ammal) is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.1 lakh and one sovereign Gold medal each to one boy student and one girl student from the Scheduled Tribe of Tamil Nadu who has secured minimum 60% marks or equivalent grade system in their +2 final examination and studying undergraduate Agriculture/Horticulture/Fisheries etc. course, subject to passing of first year all papers/syllabus with 50% marks aggregate, from the Trust Estate of NV Ammal surplus funds commencing from the academic year

2019-2020 of Agriculture/Horticulture/Fisheries/Forestry etc. course.

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913 and A.No.1411 of 2020 in C.S.No.363 of 1912 (in the matter of the Will of Nagai Visalakshi Ammal) praying to permit the Official Trustee of Tamil Nadu to meet out the paper publication cost and other incidental expenses from the Trust Estate of NV Ammal.

For applicant in both the applications: Mr.P.Murugan, A.G. & O.T.

COMMON ORDER

A.No.1410 of 2020 in C.S.No.363 of 1912 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.1 lakh and one sovereign Gold medal each to one boy student and one girl student from the Scheduled Tribe of Tamil Nadu who has secured minimum 60% marks or equivalent grade system in their +2 final examination and studying under-graduate Agriculture/Horticulture/Fisheries etc. course, subject to passing of first year all papers/syllabus with 50% marks aggregate, from the Trust Estate of NV Ammal surplus funds commencing from the academic year 2019-2020 of Agriculture/Horticulture/Fisheries/Forestry etc. course.

2. A.No.1411 of 2020 in C.S.No.363 of 1912 is filed praying to permit the Official Trustee of Tamil Nadu to meet out the paper publication cost and other incidental expenses from the Trust Estate of NV Ammal.

3. The learned Administrator General and Official Trustee (A.G. & O.T) has filed a report, dated 15.06.2020, stating as follows:

(a) The Office of the Administrator General and Official Trustee of Tamil Nadu have been administrating more than 200 Trust Estates. There are properties to Trust Estates and rental income deriving from it are put in Fixed Deposits. Out of the rental and interest income, the Office of the AG & OT have been doing charities, maintenance to the beneficiaries, scholarship to the students, salary to estate staff, making statutory charges to Government, paying income tax and meeting other necessary expenses. Apart from that, as per the orders of this Court, donation by way of articles and medical equipments etc., have been made to the NGOs and other institutions based on their request.

(b) There are about more than 20 Major Trust Estates with the

administration of the Office of the AG & OT. Those Trust Estates have immovable properties of land and buildings. From the immovable properties, monthly rent has been collected from the tenants. There are Fixed Deposits in the Bank. Out of the Fixed Deposits, interest income also got generated. The object of the Trust had been done then and there.

(c) In addition to the charities done, whenever surplus amount has been available, once a request has been received from a NGO, Government Institution, and an individual for donation either by cash or articles/equipment/vehicle etc. and the same has been considered by this Court and this Court directed the Official Trustee to do the same. It has been done then and there.

(d) The Trust Estate of N.Visalakshi Ammal is under the administration of the Official Trustee of Tamil Nadu as per Scheme Decree dated 22.02.1915 in C.S. No. 363 of 1912. The Trust Estate of NV Ammal has various properties and Fixed Deposits. Out of the income generated from it, the charities had been done as per the intention of the Testator and the orders of this Court.

(e) In the recent past, the monthly rent was slightly enhanced or vacant property was let out and out of it, the said Trust Estate's monthly income had increased. As on 2019-2020, a sum of Rs.1,30,41,640.46 is

available with the Official Trustee as total surplus amount of the Trust Estate, subject to auditor's final statement / report.

(f) The main purpose of forming a Trust Estate in large number of cases is to help the society, particularly the poor. Though the office of AG & OT have been performing and doing the charity as per the intention of the Testator and orders of this Court, there are some surplus amount which may be utilized to award scholarship to the deserving students who secure highest marks in their +2 examination and continuing their higher studies of professional degree in colleges. In similar set of facts, this Court had already permitted the Official Trustee of Tamil Nadu to award scholarship to the students who secured highest marks in their +2 examination as per the orders in A.No.5293 of 2005 and A.No.5294 of 2005.

(g) The people, particularly Schedule Tribe is living in a poor condition having no adequate resources and access. To encourage the students from the Schedule Tribe, a scholarship scheme may be framed from the surplus funds available in the Trust Estate of NV Ammal. The scholarship scheme is awarding Rs.1,00,000/- with one sovereign Gold medal each to one boy student and one girl student who secure highest marks in their +2 examination and doing under-graduate Agriculture/Veterinary Science course subject to passing of all papers/syllabus in the first year Agriculture/Veterinary Science course from the Schedule Tribe people across the state of Tamil Nadu.

(h) The eligibility criteria, selection procedure for scholarship and the procedure for calling for application from students to award the scholarship are given below:-

(A) Eligibility for Scholarship Award

(i) The student should be a Schedule Tribe (ST) residing in Tamil Nadu as declared by the appropriate Government. A Proof of Community Certificate is must.

(ii) One boy student and one girl student each from ST is eligible to avail this Gold medal and Cash scholarship award.

(iii) The student must have passed the Higher Secondary examination (+2) in Tamil medium with minimum 60% of aggregate mark or equivalent grade system. If no student available from Tamil medium, student from English medium is eligible.

(iv) The student must have studied in the Government / Aided / Corporation / Municipal / Tribal Department / Forest Department School in the State of Tamil Nadu.

(v) The student should have been studying in any one of the undergraduate courses of B.Sc. [Agriculture], B.Sc.[Forestry], B.Sc. [Horticulture], B.F.Sc. [Fisheries] / B.V.Sc. and alike that. A bona-fide

certificate from the college is must.

(vi) The student must have passed in his / her first year degree course with minimum 50% of marks in aggregate while applying this scholarship.

(vii) The student, who is studying in the Government college will be given first preference.

(viii) If no student is available from Government college, student, who is studying in aided college will be given second preference.

(ix) Even if no student is available from the aided college, student, who is studying in private college will be given as last preference.

(B) Conditions/ Selection Procedure

The students, whoever fulfils the above eligibility conditions, only be considered for further filtering to award scholarship in the following preference. Those conditions are:

(i) The student who secured highest mark in the first year degree course would be selected to award scholarship in the respective category of boy and girl student.

(ii) In the event of more than one students securing equal marks in the first year degree course, the selection of student would be on the basis of highest mark in their +2 examination.

(iii) Even in the case of more than one students securing equal

marks in the first year degree course as well as +2 examination, then their ICAR/NEET, or any other system in future, in respect of highest marks would be selected to award scholarship.

(iv) Even in the case of more than one students securing equal marks in the first year degree course, +2 examination, as well as ICAR/NEET, then fresher's, who cleared the ICAR/NEET in first attempt would be selected to award scholarship.

(v) Even in the case of more than one students standing as equal marks in the first year degree course, +2 examination, ICAR/NEET, and fresher, then based on their date of birth, the younger would be considered for award of scholarship.

(vi) Even in the case of more than one students, i.e. two students standing as equal marks in the first year degree course, +2 examination, ICAR/NEET, fresher and their date of birth is the same, then the scholarship award would be equally shared.

(vii) If more than two students are eligible to the category of condition (vi), then they are eligible only to cash award of Rs.50,000/- each without any gold medal.

(C) Procedure to call for Application:

The office of AG & OT have to follow the following procedures step

by step to call for application to award scholarship:-

1. This scholarship scheme should be known to general public, particularly the S.T. people, for which Newspaper message be given well in advance through proper procedure. It should also be published in the official website of AG & OT in future, and in the meantime, through the District Court website of City Civil Court, Chennai and also other District Courts website in Tamil Nadu.
2. Advertisement may be given in any of leading daily Tamil Newspapers across the State of Tamil Nadu.
3. If necessary, the advertisement may also be given in any one of daily English Newspapers across the State of Tamil Nadu.
4. The paper publication for public notice shall be given between September and October of every year by giving minimum one month time to apply.
5. The AG & OT must have to write a letter well in advance between September and October of every year to the District Collector / District Social Welfare Officer / District Tribal Department, Directorate of Agriculture / Horticulture / Fisheries / Forestry / Animal Husbandary Department, Chennai, Agriculture University, Veterinary University and

alike that in Tamil Nadu and others, if necessary, with a request to display the notice in their notice board and to possible cases circulate the notice to all Agriculture / Horticulture / Fisheries / Forestry/ Veterinary Colleges in their jurisdiction/control to know about the scholarship.

6. As soon as the applications are received, it should be processed and finalised as per the eligibility and other conditions stated in this scheme and the scholarship be awarded within February of the next year. Even in any extraordinary circumstances, the award of scholarship should be given before the end of the financial year i.e. on or before March 31st.

(i) The students studying from the Schedule Tribal is poor and there is no second opinion on this point. By way of Doctrine of Cypress, this Court has power to extend the scope of scholarship to help the poor Schedule Tribe students.

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4. In view of the above mentioned report of the AG & OT, to encourage the students from Schedule Tribe, these applications have been filed by the A.G. & O.T. for the reliefs stated supra.

5. This Court heard the submissions made by the learned A.G .& O.T.
and perused the materials available on record.

6. Taking into consideration the above report submitted by the
learned A.G. & O.T., and on a perusal of the same, this Court accepts the
said report and accordingly, both these applications are ordered as prayed
for.

19.06.2020

Speaking Orders: Yes
rsh/cs

To
The Administrator General and Official Trustee of Tamil Nadu,
High Court,
Madras.

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R.SUBBIAH, J

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