

A.Nos.1404 and 1408 of 2020 in C.S.No.200 of 1930

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1404 and 1408 of 2020 in C.S.No.200 of 1930

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 Appln.No.1404 of 2020 in C.S.No.200 of 1930 (in the matter of the Estate of Kadapakkam Charities) 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 Kadapakkam Charities.

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 Appln.No.1408 of 2020 in C.S.No.200 of 1930 filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.1,50,000/- and one sovereign Gold Medal each to one boy candidate and

one girl candidate from the Scheduled Tribe of Tamil Nadu who has secured highest marks in the ICS Preliminary Examination and preparing their main Examination from the Trust Estate of Kadapakkam Charities surplus funds commencing from the academic year 2019-2020.

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

COMMON ORDER

Appln.No.1404 of 2020 in C.S.No.200 of 1930 (in the matter of the Estate of Kadapakkam Charities) 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 Kadapakkam Charities.

2. Appln.No.1408 of 2020 in C.S.No.200 of 1930 filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.1,50,000/- and one sovereign Gold Medal each to one boy candidate and one girl candidate from the Scheduled Tribe of Tamil Nadu who has secured highest marks in the ICS Preliminary Examination and preparing their main Examination from the Trust Estate of Kadapakkam Charities surplus funds commencing from the academic year 2019-2020.

3. The learned Official Trustee of Tamil Nadu has filed a report, dated 15.06.2020 stating as follows:

(a) The Office of the Administrator General and Official Trustee of Tamil Nadu (AG & OT) 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 has been done then and there.

(c) In addition to the charities done, whenever surplus amount is 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., the same has been considered by this Court and the Official Trustee was directed do the same. It has been done then and there.

(d) The Official Trustee had been appointed as the sole Trustee of the properties of the Trust Estate of Kadappakkam Charities, vide a Scheme Decree dated 22.11.1934 in C.S.No.200 of 1930 and thus, the Trust Estate of Kadappakkam Charities is under the administration of the Official Trustee of Tamil Nadu. The Trust Estate of Kadappakkam Charities has various properties and Fixed Deposits. Out of the income generated from it, the charities have been done as per the intention of the Testator and the orders of this Court.

(e) In the recent past, the monthly rent has been slightly enhanced or vacant property was let out and out of it, the said Trust Estate's monthly income has increased. As on 2019-2020, a sum of Rs.14,31,98,120/- 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 candidates who has passed the degree course and continuing their competitive examination of Indian Civil Service of IAS / IPS / IFS etc. 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

candidate, who is preparing their UPSC main examination from the Schedule Tribe, a scholarship scheme may be framed from the surplus funds available in the Trust Estate of Kadappakkam Charities. The scholarship scheme is awarding Rs.1,50,000/- with one sovereign Gold medal each to one boy candidate and one girl candidate who has cleared Indian Civil Service Preliminary examination by securing highest marks and preparing their main examination 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 candidates to award the scholarship, are given below:-

(A) Eligibility for Scholarship Award

(i) The candidate 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 candidate and one girl candidate are eligible to avail this Gold medal and Cash award.

(iii) The candidate must have passed minimum any under-graduate degree with minimum 50% marks in Tamil medium. If no candidate available from Tamil medium, candidate from English medium is eligible.

(iv) The candidate should have passed and scored highest mark in the Indian Civil Service preliminary examination conducted by UPSC, New Delhi. A proof is must.

(B) Conditions for Selection Procedure.

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

(i) The candidates who secured highest mark in the Indian Civil Service preliminary examination would be selected to award scholarship in the respective category of boy and girl student.

(ii) In the event of more than one candidates securing equal marks in the ICS preliminary exam, then the selection of candidates would be on the basis of highest mark in their degree course.

(iii) Even in the case of more than one candidates securing equal marks in the ICS preliminary exam as well as degree course, then the fresher's, who cleared ICS preliminary exam in the first attempt would be selected to award of scholarship.

(iv) Even in the case of more than one candidates standing as equal marks in the ICS preliminary examination, degree course and fresher, then based on their date of birth, the younger would be considered to award scholarship.

(v) Even in the case of more than one candidates standing as equal marks in the ICS preliminary examination, degree course, fresher and their date of birth is the same, then the scholarship award will be shared equally.

(vi) If more than two candidates are eligible to the category of condition (v), then they are eligible only to cash award of Rs.75,000/- 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 published 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, Tamil Nadu State Government Department, which is the body for UPSC examination co-ordination and other, if necessary, with a request to display the notice in their notice board, and circulate to all other concerned offices or department to know about the same.
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 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 candidates competing the competitive examination 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 Scheduled Tribe candidate who is preparing ICS main examination.

4. In view of the above mentioned report of the A.G. & O.T., to encourage the candidates from Schedule Tribe, these applications have been filed 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

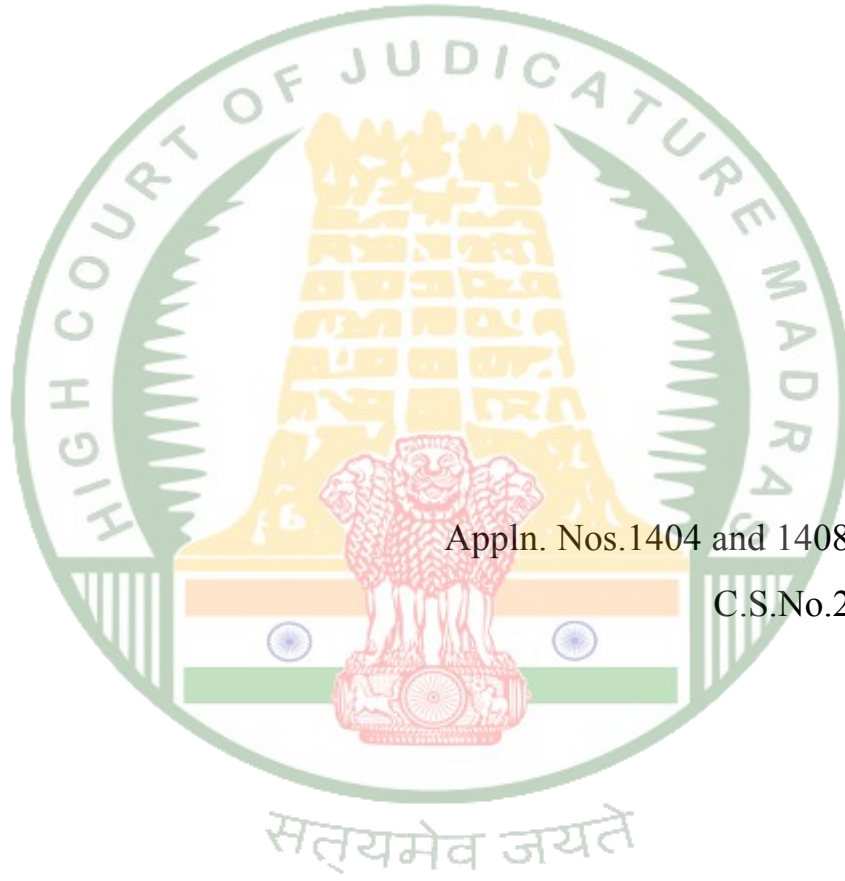
Speaking Orders: Yes
rsh/cs

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

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R.SUBBIAH, J

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