

A.Nos.1420 and 1421 of 2020 in C.S.No.177 of 1939

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

A.Nos.1420 and 1421 of 2020 in C.S.No.177 of 1939

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.1420 of 2020 in C.S.No.177 of 1939 (in the matter of George VI by the Grace of God of Great Britain, Ireland and the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India) is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.1,00,000/- and one sovereign Gold Medal each to one boy student and one girl student from the Wards of Ex-Serviceman Children of Tamil Nadu who has passed with minimum 80% marks or equivalent grade system in their +2 final examination and studying any professional undergraduate course subject to passing of First Year all papers/syllabus with 50% marks aggregate from the Trust Estate of MOPL surplus funds commencing from the Academic Year 2019-2020 of Professional Course.

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

COMMON ORDER

Appln.No.1420 of 2020 in C.S.No.177 of 1939 (in the matter of George VI by the Grace of God of Great Britain, Ireland and the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India) is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.1,00,000/- and one sovereign Gold Medal each to one boy student and one girl student from the Wards of Ex-Serviceman Children of Tamil Nadu who has passed with minimum 80% marks or equivalent grade system in their +2 final examination and studying any professional undergraduate course subject to passing of First Year all papers/syllabus with

50% marks aggregate from the Trust Estate of MOPL surplus funds commencing from the Academic Year 2019-2020 of Professional Course.

2. Appln.No.1421 of 2020 in C.S.No.177 of 1939 (in the matter of George VI by the Grace of God of Great Britain, Ireland and the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India) 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 MOPL.

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 order 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 had 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 had been considered by this Court and the Official Trustee was directed to do the same. It has been done then and there.

(d) The Trust Estate of Madras Ordinance Pensioned Luscars Charities is being administered by the Official Trustee as per the order dated 01.08.1941 of this Court in C.S.No.177 of 1939. The Trust Estate of MOPL had 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 order 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.4,50,04,187.21 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 the AG & OT have been performing and doing the charity as per the intention of the Testator and the order 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 order passed in A.No.5293 of 2005 and A.No.5294 of 2005.

(g) This MOPL Trust was formed by the Ex-Servicemen to do charity. The personnel working in defence are safeguarding the India from terrorists and other issues. To encourage the students from the Ex-Servicemen, a scholarship scheme may be framed from the surplus funds available in the Trust Estate of MOPL. 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 undergraduate professional degree course, subject to passing of all papers/syllabus in the first year degree course from the Ex-Servicemen Children across the state of Tamil Nadu.

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

(A) Eligibility for Scholarship Award

- (i) The student should be a Ward of Ex-Serviceman residing in Tamil Nadu. A Certificate from competent authority is essential.
- (ii) One boy student and one girl student are eligible to avail this Gold medal and Cash award.
- (iii) The student must have passed the Higher Secondary examination (+2) in Tamil medium with minimum 80% of marks or equivalent at the first appearance itself. If no student is available from Tamil medium, student from English medium is eligible.
- (iv) The student should have been studying in any one of the undergraduate professional courses like B.E., B.L., M.B.B.S., B.D.S., B.V.Sc., B.Sc. (Agri) or like that.
- (v) The student must have passed in their degree first year with minimum 50% marks in aggregate.
- (vi) The student, who is studying in the Government college will be given first preference.
- (vii) If no student is available from Government College, student, who is

studying from aided college will be given second preference.

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

(B) Conditions/Selection Procedure:

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

- (i) Wards of Ex-Serviceman (ESM) killed in action.
- (ii) Wards of Ex-Serviceman (ESM) disabled in action and boarded out of service with disability attributable to Military Service.
- (iii) Wards of Ex-Serviceman (ESM) who died while in service for causes attributable to Military Service.
- (iv) Wards of Ex-Serviceman (ESM) disabled in service with disability attributable to Military Service.
- (v) Wards of Ex-Serviceman (ESM) of persons below officer rank (PBOR) is only eligible
- (vi) This award and scholarship is applicable only to the student's parent, who died in service or who suffered disability during their service and may be alive at the time of making scholarship

application. A proof of document is necessary to avail this scholarship.

(vii) If more than one students qualified in any of given conditions (i) to (v), the student who secured highest mark in the first year professional degree course is eligible for award of scholarship. A proof of documents is necessary.

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

(ix) Even in the case of more than one students securing equal marks in the first year professional course as well as +2 examination, then the fresher's, whose study is continuing without break after +2 would be selected for award of scholarship.

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

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

(xii) If more than two students came into this category of condition (x), 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 the 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, for which Newspaper message be given well in advance through proper procedure. It should also be published in the official website of the AG & OT in future, and in the meantime, through the District Court's website of City Civil Court, Chennai and also other District Courts' website in Tamil Nadu.
2. Advertisement may 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, Chennai, District Soldier Board, Tamil Nadu Ex-Servicemen Association/Union, Tamil Nadu State Rajya Sainik Board and others, if necessary, with a request to display the notice in their Notice Board and in possible cases, to circulate the notice to all Colleges/Universities 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) If the students studying from the Ex-Servicemen category is to be respected, where their parents safeguard this nation 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 qualified and deserved Ex-Servicemen children.

4. In view of the above mentioned report of the AG & OT, to encourage the students from Ex-Servicemen, the above 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,

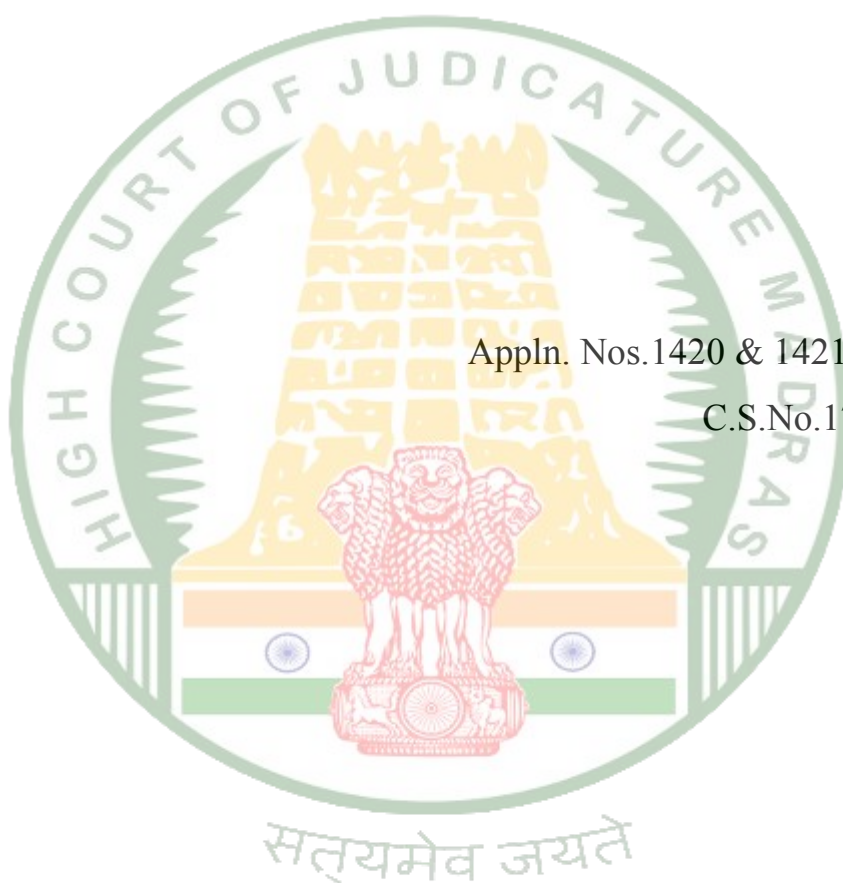
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R.SUBBIAH, J

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