

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1946 and 1947 of 2020
in
O.P.No.88 of 1960
(Heard through video conferencing)

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.1946 of 2020 in O.P.No.88 of 1960 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.25,000/- [Rupees Twenty Five Thousand Only] each student from each district of Tamil Nadu, who have passed and secured highest marks at district level in Higher Secondary (+2) Tamil Nadu state board examination for every year from the Trust Estate of Jamunabai surplus funds commencing from the academic year 2020-2021.

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustee's Act 11 of 1913 and A.No.1947 of 2020 in O.P.No.88 of 1960 is filed praying to permit the Official Trustee of Tamil Nadu to meet out the cost of this application and other incidental expenses to award scholarship for every year from the Trust Estate of Jamunabai.

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

COMMON ORDER

A.No.1946 of 2020 in O.P.No.88 of 1960 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.25,000/- [Rupees Twenty Five Thousand Only] each student from each district of Tamil Nadu, who have passed and secured highest marks at district level in Higher Secondary (+2) Tamil Nadu state board examination for every year from the Trust Estate of Jamunabai surplus funds commencing from the academic year 2020-2021.

2. A.No.1947 of 2020 in O.P.No.88 of 1960 is filed praying to permit the Official Trustee of Tamil Nadu to meet out the cost of this application and other incidental expenses to award scholarship for every year from the Trust Estate of Jamunabai.

3. The learned A.G. & O.T. has filed a report, dated 04.08.2020, stating as follows:

i) The office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] has been administering 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 O/o 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, meeting other necessary expenses. Apart from that, as per the orders of the Hon'ble High Court donation by way of articles and medical equipments etc. have been made to the NGOs and other institutions based on their request.

ii) 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 generated. The object of the Trust has been done then and there.

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

iv) The Official Trustee is administering one of the Trust Estate of Jamunabai as per the orders of the Hon'ble High Court in O.P.No.88 of 1960 dated 23.9.1960. The Trust Estate of Jamunabai has various properties and fixed deposits. Out of the income generated from it the charities has been done as per the intension of the Testator and the orders of this Hon'ble Court.

v) In the recent past, the monthly rent was slightly enhanced or vacant

property was let out and out of it the said trust estate monthly income has increased. As on 2019-2020, a sum of Rs.19,38,889/- is available with the Official Trustee as total surplus amount of the Trust Estate subject to auditor's final statement / report.

vi) 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 Official Trustee has been performing and doing the charity as per the intention of the Testator and orders of this Hon'ble 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. In similar set of facts this Hon'ble 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 from other trust estates.

vii) To encourage the +2 level students who passed and secured highest marks at district level in Higher Secondary (+2) State board examinations, the Official Trustee is of the view that the scholarship may be given with a sum of

Rs. 25,000/- to one student in each district who has passed and secured highest mark at district level Higher Secondary (+2) State board examinations irrespective of any community from all districts of Tamil Nadu. As of now, there are 38 districts in the State of Tamil Nadu.

viii) There is a scholarship to the ten deserving students to the community of the donor of the Trust Estate of Jamunabai as per the scheme decree in C.S.No.91 of 1963 dated 03.07.1964. Since then except the children of persons authorized to do pooja to the Idol left over by the Testator, no student of the community benefitted by scholarship. The intention of the Testator is to help the deserving students. By way of Doctrine of Cypress that scholarship may be expanded to the deserving students irrespective of any community who has passed and secured highest marks in higher secondary examination at the district level of Tamil Nadu to utilize it for their further studies.

ix) For the 38 students who have passed and secured highest marks at district level in Higher Secondary (+2) State board examinations in 38 Districts of Tamil Nadu, the total sum of Rs. 9,50,000/- will be required from

the Trust Estate of Jamunabai. As the said trust estate is having surplus fund of Rs.19,38,889/-, scholarship may be given with this available surplus funds w.e.f. academic year 2020-2021. Even if new districts formed in due course this scholarship will also be applied to them.

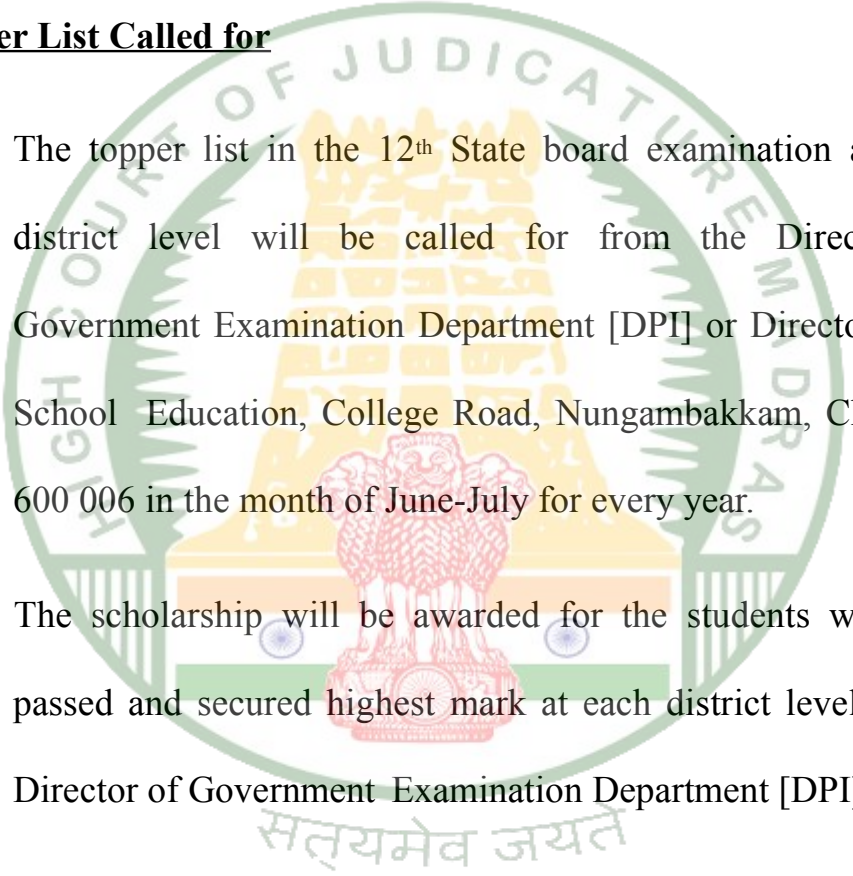
x) The eligibility criteria and selection procedure for scholarship for awarding the scholarship is given below:-

(A) Eligibility for Scholarship Award

- (i) The student should have been residing in the state of Tamil Nadu.
- (ii) The student must have studied in the Government / Aided / Corporation / Municipal / Tribal Department / Forest Department/ any other Government sponsored School in the state of Tamil Nadu.
- (iii) The student should have studied Tamil as second language in 12th std.
- (iv) The students who secured highest mark at district level in the

12th state board examination in first attempt pass only will be selected for award of scholarship irrespective of categories.

(B) Topper List Called for

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- (i) The topper list in the 12th State board examination at each district level will be called for from the Director of Government Examination Department [DPI] or Directorate of School Education, College Road, Nungambakkam, Chennai-600 006 in the month of June-July for every year.
- (ii) The scholarship will be awarded for the students who has passed and secured highest mark at each district level in the Director of Government Examination Department [DPI] list.
- (iii) The selected students will be intimated through email correspondence for certificate verification and advance stamp call for.
- (iv) The selected students as per clause (C) will be honoured by

scholarship of Rs.25,000/- by cheque and the same will be sent either by post or NEFT transfer either to the students name or their parents name before end of the month of September - October of every year.

(C) 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) In the event of more than one students secured equal marks in the Higher Secondary (+2) final examination at district level, then among them the student who secured highest marks in Tamil subject will be awarded scholarship.

(ii) If more than one students secured highest marks in Tamil Subject, then among them the student who secured highest marks in English subject will be awarded scholarship.

(iii) If more than one students fulfilled the above (i) and (ii)

conditions, then among them the youngest one (according to date of birth) will be awarded scholarship.

- (iv) If more than one students fulfilled the above (i), (ii), and (iii) conditions, then a lottery method will be conducted to select a student to award the scholarship.

If the students studying from the Government / Aided school etc. are poor and there is no second opinion on this point, by way of Doctrine of Cypress, this High Court has power to extend the scope of scholarship to help the meritorious students from all class of people.

4. Hence, 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.Nos.1946 and 1947 of 2020
in O.P.No.278 of 1948

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.

11.09.2020

Speaking Orders: Yes
pvs

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



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