

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1972 and 1973 of 2020

in

CS.No.274 of 1899

(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.1973 of 2020 in CS.No.274 of 1899 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.40,000/- [Rupees Forty Thousand Only] to five [5] students in BC, one [1] student in BC(M), four [4] students in MBC, three [3] students in SC, one [1] student in SC(A), and one [1] student in ST categories, totally 15 students, who have passed and secured highest marks at state level in High school (10th) Tamil Nadu state board examination for every year from the Trust Estate of MM Charities 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. 1972 of 2020 in CS.No.274 of 1899 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 MM Charities.

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

COMMON ORDER

A.No.1973 of 2020 in CS.No.274 of 1899 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.40,000/- [Rupees Forty Thousand Only] to five [5] students in BC, one [1] student in BC(M), four [4] students in MBC, three [3] students in SC, one [1] student in SC(A), and one [1] student in ST categories, totally 15 students, who have passed and secured highest marks at state level in High school (10th) Tamil Nadu state board examination for every year from the Trust Estate of MM Charities surplus funds commencing from the academic year 2020-2021.

2. A.No. 1972 of 2020 in CS.No.274 of 1899 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 MM Charities.

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

i) The office of the Official Trustee has been administrating more than 200 Trust Estates. There are properties to Trust Estates and rental income deriving from it are put it in fixed deposits. Out of the rental and interest income the O/o Official Trustee has 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 special donation by way of articles, medical equipments, amount by cheque 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 Trust Estate of Maligai Merchant Charities is being administered by the office of the Official Trustee of Tamil Nadu as per the scheme decree of the Hon'ble High Court in C.S.No. 274/1899 dated 01.03.1932. The Trust Estate of MM Charities 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.35,29,525/- 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 amounts which may be utilized to award scholarship to the deserving students who secure highest marks in their 10th examination and continue 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 two students of Schedule Tribe who secured highest marks in their +2 examination and continuing their law degree courses as per the orders in A.Nos.1418 & 1419 of 2020, dated 19.06.2020.

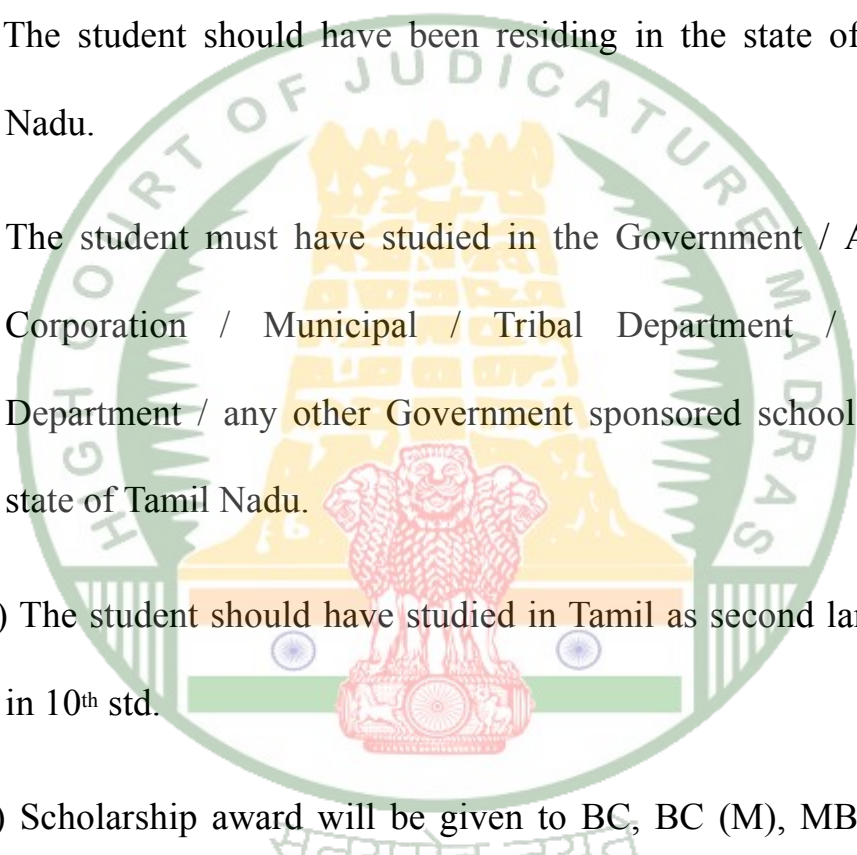
vii) To encourage the 10th level students who passed and secured highest marks at state level in 10th board examinations in various backward class of BC, BC (M), MBC, SC, SC (A), and ST, the Official Trustee is in the view of that the scholarship may be given with a sum of Rs.40,000/- for each student to utilize for their further studies in the following categories:

Sl. No.	Class	State Government Reservation	No. of Students in Proportionately
1.	BC	26.5%	5
2.	BC(M)	3.5%	1
3.	MBC	20%	4
4.	SC	15%	3
5.	SC(A)	3%	1
6.	ST	1%	1
Total		69%	15

For the 15 students, who have passed and secured highest marks in the 10th state board examinations in the above mentioned class, the total sum of Rs. 6,00,000/- will be required for every year from the Trust Estate of MM Charities. As the said trust estate is having surplus fund of Rs.35,29,525/-, scholarship may be given with this available surplus funds w.e.f. academic year 2020-2021.

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

(A) Eligibility for Scholarship Award

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- (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 in Tamil as second language in 10th std.
- (iv) Scholarship award will be given to BC, BC (M), MBC, SC, SC (A), and ST students.
- (v) The students who secured highest mark at state level in the 10th state board examination first attempt pass only will be selected for award of scholarship.

(B) Topper List Call for

- (i) The State level topper list in the 10th state board examination in various communities categories with data of name, date of birth, address, phone number, e-mail, school name and address etc. 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 stood topper in the respective categories in the Director of Government Examination Department [DPI] list.
- (iii) The selected students will be intimated through mail correspondence for certificate verification and advance stamp call for.
- (iv) The selected students as per clause (C) will be honoured by scholarship of Rs.40,000/- 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 for 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 High school (10th) final examination in respective categories, 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 schools 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.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.

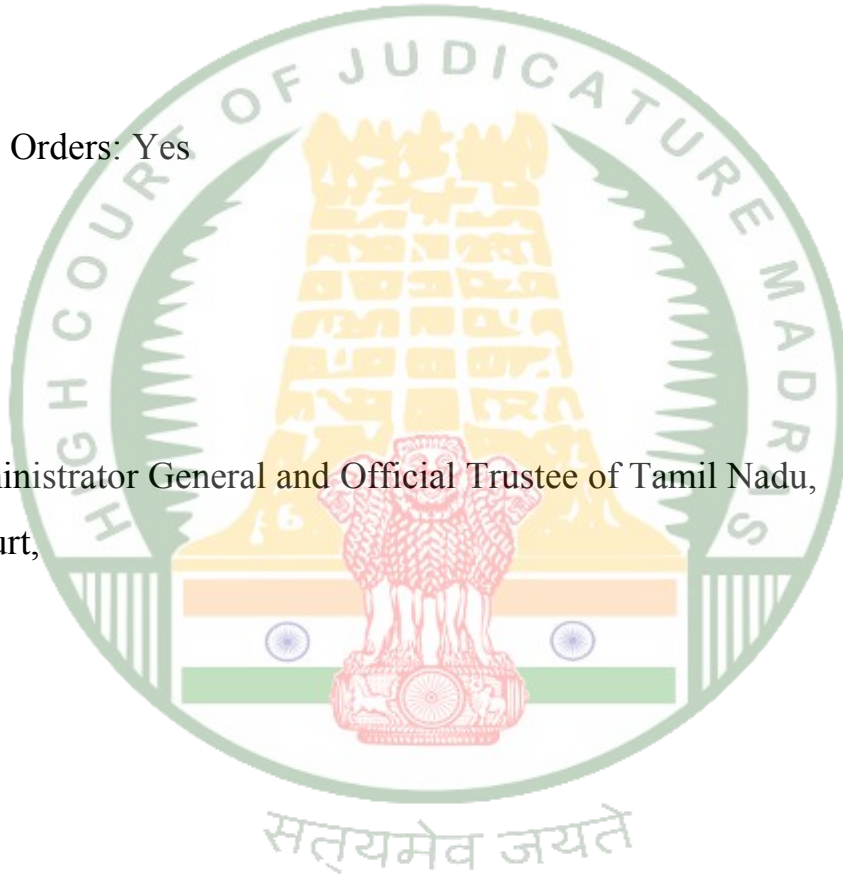
11.09.2020

Speaking Orders: Yes

pvs

To

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



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A.Nos.1972 and 1973 of 2020
in CS.No.274 of 1899

R.SUBBIAH, J

pvs



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