

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1960 and 1963 of 2020

in

CS.No.15 of 1950

(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.1960 of 2020 in CS.No.15 of 1950 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.30,000/- [Rupees Thirty 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 in their undergraduate degree and studying first year B.Ed. degree from the Trust Estate of Bavanandam Academy 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.1963 of 2020 in CS.No.15 of 1950 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 Bavanandam Academy.

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

COMMON ORDER

A.No.1960 of 2020 in CS.No.15 of 1950 is filed praying to permit the Official Trustee of Tamil Nadu for granting scholarship of Rs.30,000/- [Rupees Thirty 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 in their undergraduate degree and studying first year B.Ed. degree from the Trust Estate of Bavanandam Academy surplus funds commencing from the academic year 2020-2021.

2. A.No.1963 of 2020 in CS.No.15 of 1950 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 Bavanandam Academy.

3. The learned A.G. & O.T. has filed a report, dated 04.09.2020, stating as follows:

i) The office of the Official Trustee has been administering 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 Administrator General and Official Trustee of Tamil Nadu is administering the properties of (late) Bavanandam Pillai, as a sole trustee, as per the orders of the Hon'ble High Court of Madras, dated 02.01.1951 in

C.S.No.15 of 1950. The Trust Estate of Bavanandam Academy has properties and fixed deposits. Out of the income generated from it, 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 be let out and out of it the said trust estate monthly income has increased. As on 2019-2020, a sum of Rs.18,35,215/- 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 undergraduate examination and joined B.Ed. course and to continue their higher education 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) The object of the Bavanandam Academy trust estate is to promote co-operation regarding such matters as are intimately connected with the physical, intellectual, moral, social, political, economical, commercial, industrial and agricultural well-being of the people in general and to take such steps as may be found necessary from time to time to achieve the end in view by diffusion of useful knowledge especially regarding applied sciences adopted to the local requirements treated in a popular manner in English and vernaculars in general and Tamil in particulars per the Will of the Testator dated 22.05.1932. The intention of the Testator was to do help to the deserving students to be excelling in their studies. By way of Doctrine of Cypress that scholarship may be expanded to the deserving students who has passed and secured highest marks in their undergraduate degree and pursuing first year B.Ed. at the state level of Tamil Nadu.

viii) In this regard a letter dated 01.09.2020 has been received from the Principal, Institute of Advanced study in Education, Saidapet [B.Ed. College],

Chennai-15. To encourage the first year B.Ed. students to pursue their studies in various backward class of BC, BC(M), MBC, SC, SC(A), and ST, the Official Trustee is of the view that the scholarship for the purpose of purchasing books, payment of fees and project works etc., may be given to the deserving students with a sum of Rs. 30,000/- for each student 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 their undergraduate course in the above mentioned class, the total sum of Rs. 4,50,000/- will be required for every year from the Trust Estate of Bavanandam Academy. As the said trust estate is having surplus fund of Rs.18,35,215/-, scholarship may be given with this available surplus funds

w.e.f. academic year 2020-2021. As of now, there are seven Government colleges to teach B.Ed. courses in the State of Tamil Nadu. They are two in Chennai, and each one in Orathanad, Kumarapalayam, Vellore, Pudhukkottai, Coimbatore respectively. If any new colleges opened by the Government in due course, that colleges also come under this scholarship.

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

(A) Eligibility for Scholarship Award

(i) The students should have been residing in the state of Tamil Nadu.

(ii) The students must have passed any undergraduate degree in regular college within the course period. It means, when the student comes out of the college, he should have passed all the papers and obtained degree.

(iii) The students should have studied Tamil subject as one of the paper in their undergraduate degree.

- (iv) This scholarship is applicable only to the students who are studying in first year B.Ed. course and not for second year B.Ed. course.
- (v) Scholarship award will be given to BC, BC (M), MBC, SC, SC (A), and ST students.
- (vi) The required students who secured highest mark in the above referred community only will be selected for award of scholarship.
- (vii) In the event of no student available from BC (M) to benefit this scholarship, since BC (M) is internal reservation from BC the next topper mark student from BC will be entitled to get the scholarship.
- (viii) In the event of no student available from SC (A) to benefit this scholarship, since SC (A) is internal reservation from SC the next topper mark student from SC will be entitled to get the scholarship.

(B) Topper List Call for

- (i) The topper list of one to five students from each B.Ed. College based on their undergraduate degree marks in various communities' categories with data of name, date of birth, address, phone number, e-mail, college name and address etc., will be called for from the Directorate of College Education [DCE], Chennai in the month of September - October for every year.
- (ii) The scholarship will be awarded for the students who stood topper in the respective communities categories after consolidation and finalised by the office of Official Trustee based on the Directorate of College Education [DCE] 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.30,000/- 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 November - December 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 undergraduate degree in respective categories, then among them the youngest one (according to date of birth) will be awarded scholarship.
- (ii) If more than one students fulfilled the above (i) condition, then a lottery method will be conducted to select a student to award the scholarship.

If the students studying B.Ed. course in the Government Colleges are generally 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.

सत्यमेव जयते

11.09.2020

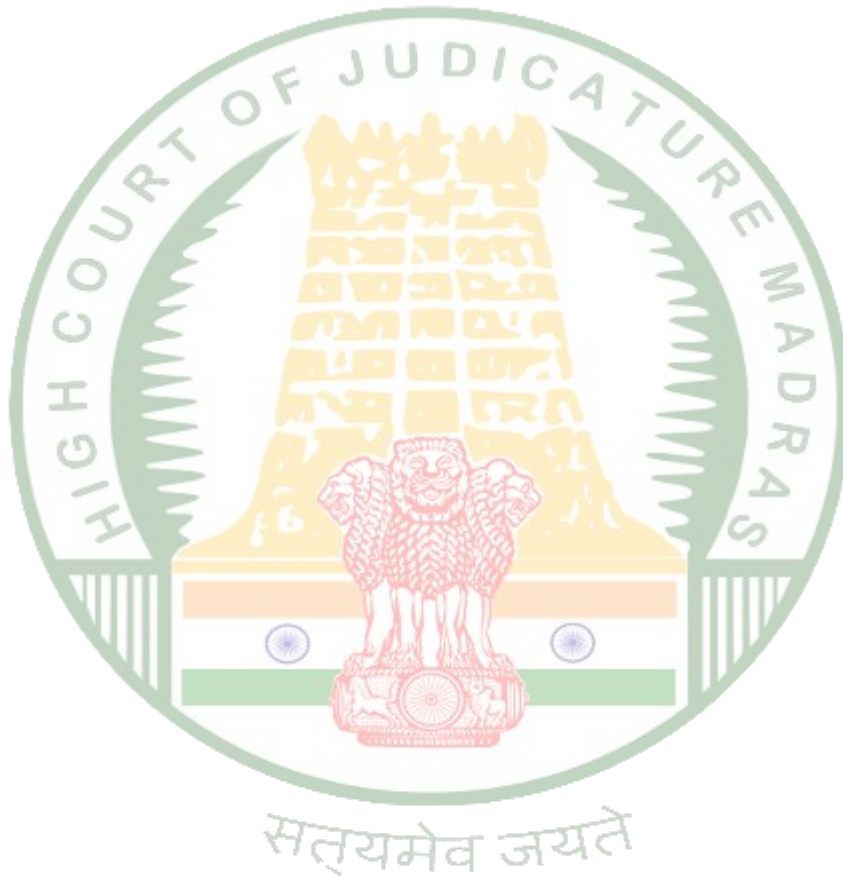
Speaking Orders: Yes

pvs

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To

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



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in CS.No.15 of 1950

R.SUBBIAH, J

pvs



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