

Application Nos.2337 and 2338 of 2020
in
C.S.No.90 of 1963

R.SUBBIAH, J

This Court is held by Video Conference.

2. These applications have been filed seeking permission to (i) donate a periodical payment of Rs.6,000/- (Rupees Six Thousand only) every month to Karunai Karangal, No.256, 19th Cross Street, Mother Theresa Koil Street, Maruthu Pandian Nagar, Padiyanallur, Chennai – 52, to feed the poor students studying in the Mother Theresa Nursery and Primary School at Padiyanallur, Chennai – 52, from the date of order and (ii) give meritorious award of Rs.25,000/- (Rupees Twenty Five Thousand only) to each one boy student and one girl student, who secured highest marks in V standard from the Mother Theresa Nursery and Primary School, Plot No.256, D.No.1/386C, Mother Theresa Koil Street (19th Street), Maruthu Pandian Nagar, Padiyanallur, Chennai – 52, with effect from the Academic Year 2020-21.

3. Learned Administrator General and Official Trustee of Tamil Nadu

has filed a report dated 29.09.2020, wherein it is stated as follows:

- (i) the administration of “The Rajah Sir Ramaswami Mudaliar’s Choultry” and its allied endowments is governed by a Decree dated 18.08.1970 of this Court in C.S.No.90 of 1963. The management of the Choultry and its allied charities has been vested in the Official Trustee of Tamil Nadu and thus the Trust Estate of Rajah Sir Ramaswami Mudaliar is now under the administration of the Official Trustee of Tamil Nadu. Rajah Sir Ramaswami Mudaliar had put up a Choultry on the land assigned by the Government, opposite to the Central Railway Station [Now, Dr. M.G.R. Central Railway Station], Chennai and had provided for free lodging facilities for the free use of railway travellers and “daily feeding” of the poor and distressed.
- (ii) the main object of the RSRM Trust Estate is poor feeding. The Co-Trustee of RSRM Trust Estate Mr. Ramprasad has taken lot of efforts to help the poor through the said trust. Since 2002, every year poor feeding is done to the various Orphanages, NGOs and Aged Homes etc. Apart from that dress materials, books and allied stationeries have been donated then and there to the schools, orphanage etc. Medical equipments have been provided to RSRM hospital. In the recent past, due to COVID-19 pandemic, rice and

groceries have been donated to group of 850 people and nearly 20 institutions of NGOs, Aged Home, and Orphanage etc. with considerable amount.

(iii)one Mr.S.Selvakumar Founder and Secretary of Mother Theresa Nursery and Primary School, recognised by the Government of Tamil Nadu, situated at Plot No.256, D.No. 1/386C, Mother Theresa Koil street, (19th Street), Maruthu Pandian Nagar, Padiyanallur, Chennai-52, has approached the Official Trustee by submitting a letter dated 24.08.2020 with a volume of enclosures requesting to help them to run the Primary School. There are photo clippings, profile, appreciation letters from public figures and retired judges of the Hon'ble High Court, trust deeds, income tax papers and paper cuttings in the file. A personal interaction was taken place with him and also the records reveals that he is working as a part time professor in a private college nearby Redhills.

(iv)the Mother Theresa Nursery and Primary school was started in the year 2004. Thereafter, in 2007, the Tamil Nadu Government has recognized the said school. Mr.S.Selvakumar has been running the school for the past 16 to 17 years on his own without any aid or grant from Government. The children from various backgrounds of no parents, destitute widow, single

parent, differently abled, below poverty line have been admitted in the school. Maximum no fees is the rule. But a minimum fee is collected from the economically backward families. Since 2014, he has been providing free meals to 80 students through Karunai Karangal, a NGO started by him for that purpose. In the last academic year 2019-20, 217 students were admitted and out of which 113 students were given free education. With the above profile, he requested to help them in whatever way.

(v) the Official Trustee has inspected the school on 28.08.2020. There were about 10 parents and children in the school. The enquiry reveals the statement of Mr. Selvakumar is genuine. Mr.S.Selvakumar has a good reputation in the public eye that he has been taking lot of efforts to run the school for the past 16 to 17 years without any Government support except recognition.

(vi) the appreciation letters, found in the volume of papers, reveal that not only political personalities and public figures, the retired Judges of this Hon'ble Court have also appreciated the education service of Mr. S.Selvakumar. A perusal of documents reveals that the school is administered under one trust in the name of Mother Theresa School Nursery and Primary Education Trust. The School pre-meal and other allied service has been meted out

from another trust of Karunai Karangal. In both the trusts, Mr. Selvakumar is the founder.

(vii)after satisfactory assessment that Mr.Selvakumar is running Nursery and Primary School for the past 16 to 17 years with the only support of general public contribution, the Official Trustee is of the firm view that the O/o AG & OT may also join with the public at least to help by way of any periodical payments to cover up their school monthly expenses. Education is knowledge and it has been given by Mr.Selvakumar with a marginal fee and in some cases without fees to the needy people. To help the children, who are assets of this nation, it is a right time to help the Mother Theresa School Nursery and Primary Education Trust. Even though it is a primary school, this case has peculiar facts where a part time professor working in a private college is running a Nursery and Primary School starting from LKG to V Standard. The school was started by the founder when he was aged 23.

(viii)the Official Trustee has discussed the above facts with Mr.Ramprasad, Co-Trustee of RSRM at least to help from the Trust Estate of RSRM. After hearing the story, Mr. Ramprasad immediately has accepted the suggestion of the Official Trustee for periodical payment to the school. It was also decided to help by way of cash in two aspects of periodical payments to the

institution and also meritorious awards to the students of one boy student and one girl student who secured highest mark in the V Standard examination. The Principal of the Mother Theresa Nursery and Primary School has to certify who are the students secured highest marks in the V Standard examination. The assessment should also include not only in syllabus and also by other aspects of attitude, moral education, physical education etc. The certification of Principal is final to award scholarship to two students.

(ix)the Karunai Karangal Trust has been providing free meals to 80 students in Mother Theresa Nursery and Primary School. The main object of the RSRM Trust is to provide poor feeding. Since, Karunai Karangal, NGO is providing free meals to poor students, periodical payments may be given to Karunai Karangal and through its service the intention of the Testator would be fulfilled to link the poor feeding to lift the poor students. Awarding scholarship to two meritorious students will help them to utilize for further studies. By way of “doctrine of Cypriss” this Hon’ble Court has power to extend it to the poor feeding of students and meritorious award to the students.

(x)to meet out the expenditure, the Trust Estate has adequate Fixed Deposit of

more than 3 crore rupees and out of the income derived from it more charities have been done. There is no difficulty to meet out the above periodical expenses for poor feeding and meritorious award to the school students of the V standard pass. The meritorious student award cheque may be distributed either in the student's name or their parents/guardian name. The School authority has to submit necessary documents for students meritorious award when called for by the O/o AG & OT along with other procedural compliance.

Submitting as above, learned Administrator General and Official Trustee of Tamil Nadu, prays for the above relief.

4. Considering the submissions made and the report dated 29.09.2020, this Court permits the learned Administrator General and Official Trustee of Tamil Nadu to (i) donate a periodical payment of Rs.6,000/- (Rupees Six Thousand only) every month to Karunai Karangal, No.256, 19th Cross Street, Mother Theresa Koil Street, Maruthu Pandian Nagar, Padiyanallur, Chennai – 52, to feed the poor students studying in the Mother Theresa Nursery and Primary School at Padiyanallur, Chennai – 52, from the date of order and (ii) give meritorious award of Rs.25,000/- (Rupees Twenty Five Thousand only) to

each one boy student and one girl student, who secured highest marks in V standard from the Mother Theresa Nursery and Primary School, Plot No.256, D.No.1/386C, Mother Theresa Koil Street (19th Street), Maruthu Pandian Nagar, Padiyanallur, Chennai – 52, with effect from the Academic Year 2020-21.

Accordingly, the applications are ordered as prayed for.

gm

15.10.2020



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