

**Application Nos.1364, 1365, 1366, 1367, 1368, 1369,
1370, 1371, 1372 and 1373 of 2021**
in
O.P.No.109 of 1942

R.SUBBIAH, J

This Court is held by Video Conference.

2. This application has been filed seeking permission to the Official Trustee of Tamil Nadu to give

- meritorious award of Rs.10,000/- (Rupees Ten Thousand Only) to one student who secure first mark in V Standard examination from Pachaiyappa's Primary School, No.66, Sabanayakar Street, Chidambaram, Cuddalore District 608 001 w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to one student who secure first mark in X Standard examination from Pachaiyappa's College Higher Secondary School, No.187, N.S.C. Bose Road, Chennai 600 001, w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to one

student who secure first mark in XII Standard examination from Pachaiyappa's College Higher Secondary School, No.187, N.S.C. Bose Road, Chennai - 600 001, w.e.f. academic year 2020-21 from the surplus funds of V.T.Chetty Trust Estate;

- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to one student who secure first mark in X Standard examination from Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501 w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.25,000/- (Rupees Twenty Five Thousand Only) to one student who secure second mark in X Standard examination from Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501 w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to one student who secure first mark in XII Standard examination from Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631501 w.e.f. academic year 2020-21 from the surplus

funds of V.T.Chetty Trust Estate;

- meritorious award of Rs.35,000/- (Rupees Thirty Five Thousand Only) to one student who secure second mark in XII Standard examination from Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631501 w.e.f. academic year 2020-21 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to one student who secure first mark in X Standard examination from Pachaiyappa's Higher Secondary School, No.23, Pachaiyappa's School Street, Chidambaram 608 001 w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate ;
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to one student who secure first mark in XII Standard examination from Pachaiyappa's Higher Secondary School, No.23, Pachaiyappa's School Street, Chidambaram 608 001 w.e.f. academic year 2020-21 from the surplus funds of V.T.Chetty Trust Estate and ;
- meritorious award of Rs.20,000/- (Rupees Twenty Thousand Only) to one

student who secure first mark in VIII Standard examination from Pachaiyappa's Branch Secondary School, No.130/77, T.K.Nambi Street, Little Kancheepuram, Kanchipuram 631 501 w.e.f. Academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate.

3. The learned Administrator General and Official Trustee has submitted a report dated 19.03.2021, in which it is stated as follows:

(i) the office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] has been administrating more than 150 Trust Estates. There are properties in the Trust Estates and rental income deriving from it are put it in fixed deposit. Out of the rental and interest income, the O/o AG & OT 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 this Court donation by way of things, articles and medical machines etc. have been given to the NGOs and other institutions based on their request.

(ii) Rao Bahadur V.Thiruvengadathan Chetty had appointed the Administrator

General of Tamil Nadu as Executer of his Will dated 29.11.1941. Subsequent to his demise a Probate was granted to the Administrator General of Tamil Nadu in O.P. No.109 of 1942, dated 27.07.1942. Subsequently, the Estate of Rao Bahadur V.Thiruvengadathan Chetty has been transferred to the Office of the Official Trustee of Tamil Nadu as per the order dated 07.04.1977 in Application No.942 of 1977 in O.P.No.109 of 1942.

(iii)since then the Official Trustee has been performing the charities and wishes of the Testator. From the surplus funds accumulated from the rental and interest on fixed deposits meritorious award of gold medal with cash have been given to the X and XII students at state level rank holder in different categories as per previous order of this Court in A.No.5294 of 2005 dated 09.12.2005.

(iv)in addition to that a general scholarship to the Vysya community students those who are studying in the colleges have been given throughout Tamil Nadu on the basis of the applications submitted by Pachaiyappa's Trust, Chennai-30. Further, various charities have been done as per the orders of this Court from the surplus fund or accumulated fund, as the case may be.

- (v) recently, monthly rent has been revised and there is a substantial increase of income. By taking note of the same, a new award cum scholarship scheme to the students studying in professional courses has been designed in A.Nos. 1412 & 1415 of 2020 in O.P. No.109 of 1942 and the same was ordered by this Court by order dated 19.06.2020.
- (vi) recently, the scholarship to the Vysya community students who have been studying in the colleges have been granted as per the applications sent by the Pachaiyappa's Trust. For awarding such scholarship for the current academic year is under process.
- (vii) as per the Division Bench of Madras High Court's Judgment dated 23.12.2020 in O.S.A.No.346 of 2019 Batch, the Administrator General and Official Trustee of Tamil Nadu has been appointed as Administrator of Pachaiyappa's Trust to administer its properties and institutions. The AG & OT has assumed charge of the Administrator of Pachaiyappa's Trust on 08.01.2021. Then the AG & OT has inspected some of the properties in Chennai, Cuddalore, Sirkazhi and Thiruvaiyaru. In addition to that the AG & OT has inspected five schools and four colleges in Chennai, Kancheepuram, Cuddalore and Chidambaram.

(viii) as per the Division Bench's Judgment referred above, the AG & OT has to consult with the Advocate General for Tamil Nadu to administer the Pachaiyappa's Trust. To take forward the mission and vision of the Testator when the first formal meeting was taken place between the learned Advocate General Mr. Vijaya Narayanan and the AG & OT, the Advocate General has suggested the AG & OT to think over to award any type of scholarship or meritorious award to the poor and weaker section students invariably studying in the Pachaiyappa's institutions.

(ix) in the second round of formal meeting in the presence of Portfolio Judge for AG & OT, the learned Advocate General further stressed the AG & OT to ponder over to award scholarship to the students studying in Pachaiyappa's institutions from and out of any surplus fund available from the O/o AG & OT. On hearing the learned Advocate General, the Portfolio Judge for AG & OT wholeheartedly welcomed that proposal and instructed the AG & OT to prepare a plan to give meritorious award to the students of Pachaiyappa's institutions. After several rounds of thought process this meritorious award is prepared. The AG & OT acknowledges the ignition initiated by the learned Advocate General and endorsed by the Portfolio Judge for AG &

OT.

(x) the data collected from the Pachaiyappa's Trust with regard to school under the Pachaiyappa's Trust reveals that there are 5 schools in 3 districts of Chennai, Kancheepuram and Cuddalore. The first school was established in Chidambaram, Cuddalore district in the year 1826 nearly two centuries ago in the name of Pachaiyappa's Primary School from I to V standard. The last school was started in 1907 at Kancheepuram more than one century with the name of Pachaiyappa's Branch Secondary School of Boys from VI to VIII. In between those periods other three schools were started in 1842, 1846 and 1850. All the schools are aided schools. The other administrative infrastructure expenditures have been met out by Pachaiyappa's Trust. The details of school names, year of establishment, category with classes and current academic year total students strength are given below in a tabular format:

Sl. No.	Name of the School	Year of Establishment	Category with Classes	Total Students Strength
1.	Pachaiyappa's Primary School, No.66, Sabanayakar Street, Chidambaram 608 001.	1826	(Co-Education) From 1 st to 5 th	31

Sl. No.	Name of the School	Year of Establishment	Category with Classes	Total Students Strength
2.	Pachiyappa's College Higher Secondary School, No.187, N.S.C. Bose Road, Chennai 600 001.	1842	(Boys School) From 9 th to 12 th	34
3.	Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501.	1846	(Boys School) From 6 th to 12 th	957
4.	Pachaiyappa's Higher Secondary School, No.23, Pachaiyappas School Street, Chidambaram 608 001.	1850	(Co-Education) From 6 th to 12 th	159
5.	Pachaiyappa's Branch Secondary School, No.130/77, T.K.Nambi Street, Little Kancheepuram, Kanchipuram 631 501.	1907	(Boys School) From 6 th to 8 th	51

(xi)during the inspection, the Head Masters of the schools have made a general appeal to the Official Trustee that to award either scholarship or meritorious award to the students studying in the schools run by the Pachaiyappa's Trust in different places from the funds of Official Trustee. On interacting with the Head Masters it is felt by the Official Trustee that the surplus funds from V.T.Chetty may be utilized to give meritorious award to the students who have passed with highest marks in school level in the schools run by

Pachaiyappa's Trust.

(xii)the great Vallal Pachaiyappa Mudaliar died at the age of 40 in the year

1794 by leaving a Will by bequeathing his properties to various charities.

After his demise the boards of trustees have started educational institutions to cultivate knowledge to the students in the rural districts of then South Arcot and Chengulput Districts at Chidambaram and Kancheepuram respectively. The above referred institutions are pioneer in the educational field to educate the people. Great leaders studied in the schools. In the recent past, by way of privatization of schools the admission to the Pachaiyappa's schools gets decreased. To encourage and motivate the people and students to get more admissions and make healthy competitiveness among the students to secure highest marks, the Official Trustee is in firm opinion that the meritorious award will make at least some level of increasing the students admission in the schools in near future.

(xiii)as per the intention of the Testator Rao Bahadur V.T.Chetty after the expenditure of charities, Government Cess and other attending expenditure balance net income should be handed over to the Pachaiyappa's charities to award scholarship to the deserved Vysya community students. It has been

done then and there. Whatever the scholarship applications from the Vysya community students sent by the Pachaiyappa's Trust have been awarded, if it is in order. Even after awarding scholarship there are surplus funds.

(xiv)from and out of the surplus fund of V.T.Chetty Trust Estate the Official Trustee suggested by this report that meritorious award to the students who secure highest marks in each school from the above referred five schools run by the Pachaiyappa's Trust may be considered. From the data it reveals in one school the maximum class is V standard. Another school the maximum class is VIII standard. The remaining three schools the maximum class is XII standard. Except Pachaiyappa's Higher Secondary School, Kancheepuram, the other schools have moderate or lesser students strength.

(xv)considering the same, the following meritorious cash award is proposed as follows:

Sl. No.	School Name	Class Topper in School Level	Award Amount (in Rs.)
1.	Pachaiyappa's Primary School, No.66, Sabanayakar Street, Chidambaram 608 001.	V STD First Mark	10,000/-
2.	Pachiyappa's College Higher Secondary School,	X STD First Mark	30,000/-

Sl. No.	School Name	Class Topper in School Level	Award Amount (in Rs.)
	No.187, N.S.C. Bose Road, Chennai 600 001.		
3.	Pachiyappa's College Higher Secondary School, No.187, N.S.C. Bose Road, Chennai 600 001.	XII STD First Mark	40,000/-
4.	Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501.	X STD First Mark	30,000/-
5.	Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501.	X STD Second Mark	25,000/-
6.	Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501.	XII STD First Mark	40,000/-
7.	Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501.	XII STD Second mark	35,000/-
8.	Pachaiyappa's Higher Secondary School, No.23, Pachaiyappas School Street, Chidambaram 608 001.	X STD First Mark	30,000/-
9.	Pachaiyappa's Higher Secondary School, No.23, Pachaiyappas School Street, Chidambaram 608 001.	XII STD First Mark	40,000/-
10.	Pachaiyappa's Branch Secondary School,	VIII STD First Mark	20,000/-

Sl. No.	School Name	Class Topper in School Level	Award Amount (in Rs.)
	No.130/77, T.K.Nambi Street, Little Kancheepuram Kanchipuram 631 501.		
Total			3,00,000/-

(xvi) since more students are studying at Pachaiyappa's Higher Secondary School, Kancheepuram, it is proposed to give meritorious award to first mark and second mark holders in X and XII standards. All other schools, the students strength is minimum or lesser and, therefore, only one meritorious award is proposed to the students who secure highest mark in the V, VIII, X and XII standards with the above cash award. The total award expenditure comes to Rs.3,00,000/- per year and the said amount may be meted out from the surplus funds of V.T.Chetty. In the event of more than one students scored equal marks the award should be equally divided and paid to them. This award will be very useful to the students for their further studies. In the event of no adequate fund or surplus fund available in any year, this award may be either withheld to that year or it may be given in the future year. Final decision is with the Official Trustee and no student or Pachaiyappa's schools have any say in this regard.

(xvii)since the Tamil Nadu Government has announced that the students studying upto XI standards declared all pass in the academic year 2020-21, this award should be implemented to the students who secure highest marks in V, VIII and X standards for the academic year 2021-22. For the students of XII this meritorious award be implemented in the academic year 2020-21 examination. The award will be given either in the student's name or his / her parent's or guardian's name who have bank account. The particulars of students name, highest mark, parents/guardian name, address, their bank details and identity proof are to be collected by the respective Head Master and send directly to the Official Trustee to give meritorious award.

(xviii)the Headmasters should not collect any amount from the student. The purpose of getting award amount for any purpose of sending tapals, Flag Day contribution, PTA donation or other similar way. Any complaints received on the above aspects, against anyone of school authority or staff it is presumed as corrupt practice and criminal as well as departmental action will be initiated against concerned through proper channel. The process of sending the above particulars be completed between June & July of every year. The O/o AG & OT have to pay the award between July and August of

every year.

(xix)by way of Doctrine of Cypress this Court has power to expand the scope of charity not only to the Vysya community students studying in Pachaiyappa's institutions or other institutions but also to the students studying from different community in Pachaiyappa's Schools.

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

4. Considering the submissions made, this Court grants permission to the Official Trustee of Tamil Nadu to give

- meritorious award of Rs.10,000/- (Rupees Ten Thousand Only) to one student who secure first mark in V Standard examination from Pachaiyappa's Primary School, No.66, Sabanayakar Street, Chidambaram, Cuddalore District 608 001 w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to one student who secure first mark in X Standard examination from Pachaiyappa's College Higher Secondary School, No.187, N.S.C. Bose

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- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to one student who secure first mark in XII Standard examination from Pachaiyappa's College Higher Secondary School, No.187, N.S.C. Bose Road, Chennai - 600 001, w.e.f. academic year 2020-21 from the surplus funds of V.T.Chetty Trust Estate;
- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to one student who secure first mark in X Standard examination from Pachaiyappa's Higher Secondary School, No.54, Vallal Pachaiyappan Street, Kanchipuram 631 501 w.e.f. academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate;
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- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to one

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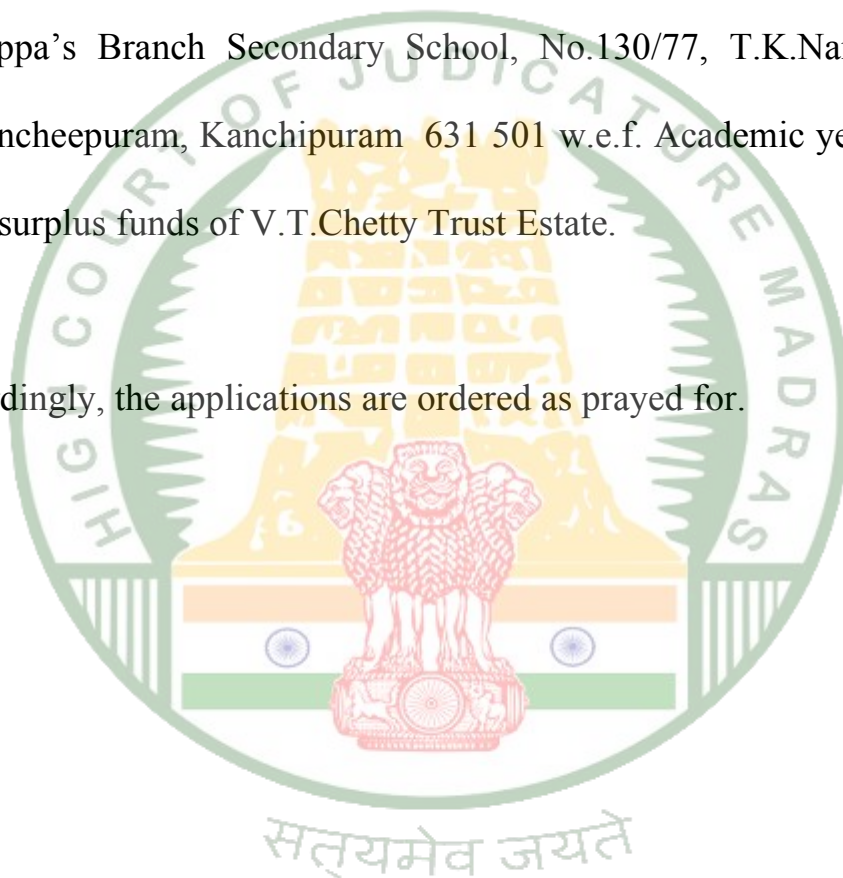
surplus funds of V.T.Chetty Trust Estate and ;

- meritorious award of Rs.20,000/- (Rupees Twenty Thousand Only) to one student who secure first mark in VIII Standard examination from Pachaiyappa's Branch Secondary School, No.130/77, T.K.Nambi Street, Little Kancheepuram, Kanchipuram 631 501 w.e.f. Academic year 2021-22 from the surplus funds of V.T.Chetty Trust Estate.

Accordingly, the applications are ordered as prayed for.

01.04.2021

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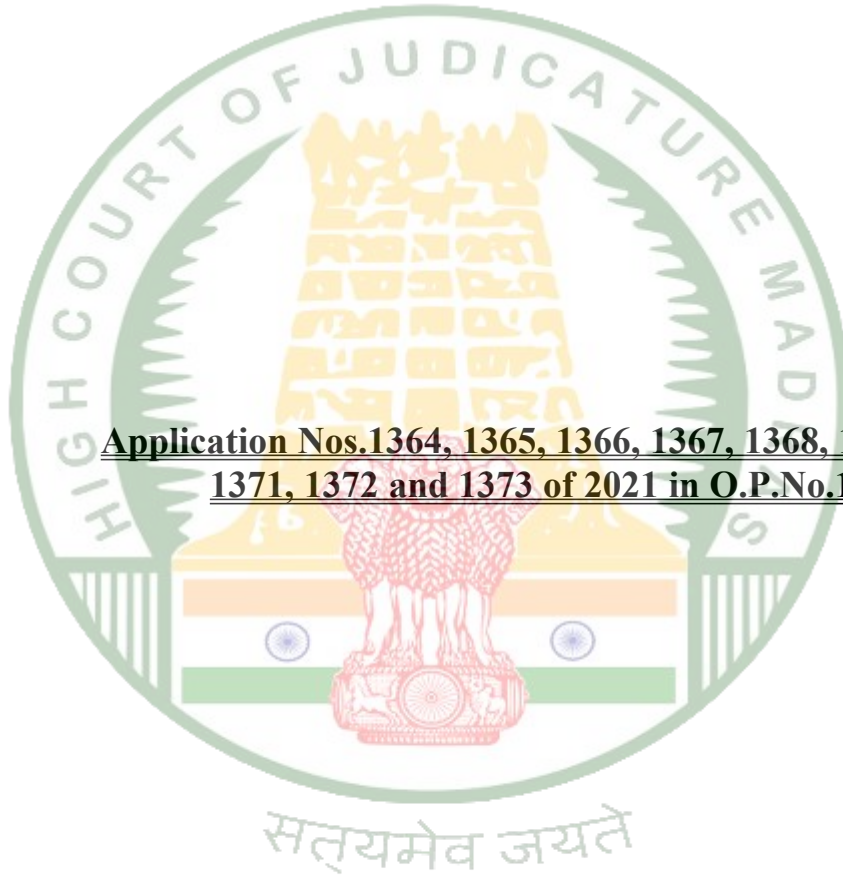


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