

Application Nos.1397, 1398, 1399, 1400 and 1401 of 2021

in
O.P.No.278 of 1948

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.30,000/- (Rupees Thirty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.A. degree shift-I from C.Kandasamy Naidu College for Men, Anna Nagar, Chennai 600 102 w.e.f. academic year 2020-21 from the surplus funds of C.K.naidu Trust Estate;
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.Sc. degree shift-I from C.Kandasamy Naidu College for Men, Anna Nagar, Chennai 600 102, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate;
- meritorious award of Rs.20,000/- (Rupees Twenty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.Com degree

shift-I from C.Kandasamy Naidu College for Men, Anna Nagar, Chennai 600 102, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate;

- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.A. degree shift-I from C.Kandasamy Naidu College for Women, Cuddalore, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate ; and
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.Sc. degree shift-I from C.Kandasamy Naidu College for Women, Cuddalore, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate;

3. The learned Administrator General and Official Trustee has submitted a report dated 24.03.2021, 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) the Official Trustee is administering one of the Trust Estate of C.Kandasamy Naidu as per his last Will dated 21.05.1948. This Court granted letters of administration to the Official Trustee by its order dated 05.10.1948 in O.P.No.278 of 1948. The Trust Estate of C.K.Naidu 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 Court.

(iii) 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. 1416 & 1417 of 2020 in O.P. No.109 of 1942 and the same was ordered by this Court by order dated 19.06.2020.

(iv) 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.

(v) 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.

(vi) 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 Hon'ble 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.

(vii) the data collected from the Pachaiyappa's Trust with regard to colleges under the Pachaiyappa's Trust reveals that there are 6 colleges in 3 districts of Chennai, Kancheepuram and Cuddalore. The first college was established in Chennai in the year 1879 nearly one and half centuries ago in the name of Pachaiyappa's College. The last college was started in 1971 at Chennai more than one and half century with the name of Chellammal Women's College, Guindy, Chennai. In between those periods other three colleges were started in 1950 and 1967. All the colleges are aided Colleges. The other administrative infrastructure expenditures have been met out by

Pachaiyappa's Trust. The Colleges are offering Undergraduate, Postgraduate and Research courses. In addition to that self financial courses are also offering in Shift-II. The details of college names, year of establishment, Undergraduate courses offered and current Undergraduate academic year total students strength are given below in a tabular format:

Sl. No.	Name of the College	Year of Establishment	U.G. Course Offered	Total Students Strength
1	Pachaiyappa's College, 113, EVR, Periyar High Road, Shenoy Nagar, Chennai-600 030	1879	Aided (Shift-I)	UG 2717
			B.A	
			Historical Studies	
			Economics	
			Philosophy	
			Tamil	
			English	
			B.Sc	
			Maths	
			Physics	
			Chemistry	
			Plant Bio.	
			Adv. Zoology	
2	Pachaiyappa's College for Men, Nasarath Pettai, Chengalpattu Main Road,	1950	B.Com	UG 1273
			Corporate Secretaryship	
			General	
			B.A.	
			History (General)	
			Economics (A & F)	
			B.Sc	
			Maths	

Sl. No.	Name of the College	Year of Establishment	U.G. Course Offered	Total Students Strength
			Aided (Shift-I)	Aided (Shift-I)
	Kanchipuram. 631 502		Physics Chemistry Zoology B.Com (General)	
3	C.Kandaswami Naidu College for Men, III Avenue, E7, Anna Nagar East, Chennai- 600 102	1967	B.A Economics B.Sc Maths Physics Chemistry B.Com General	UG 704
4	C.Kandaswami Naidu College for Women, SH9, Semmandalam, Cuddalore- 607001	1967	B.A Tamil English History Economics B.Sc Maths Chemistry Botany Zoology	UG 1031
5	Pachaiyappa's College for Women, No.1,Vegavathi Nandhi Road, Little Kancheepuram,	1967	B.A English Literature Economics B.Sc Chemistry Zoology B.Com	UG 972

Sl. No.	Name of the College	Year of Establishment	U.G. Course Offered	Total Students Strength
			Aided (Shift-I)	Aided (Shift-I)
	Kancheepuram 631 501		General	
6	Chellammal Women's College, No.112, Anna Salai, Guindy, Chennai-32	1971	B.A	UG 1387
			Tamil	
			English	
			Economics	
			B.Sc	
			Chemistry	
			Zoology	
			B.Com	
			General	

(viii)during the Official Trustee's inspection, the Principals and faculties of the colleges have made a general appeal to the Official Trustee that either to give scholarship or meritorious award to the poor and deserving students studying in the colleges run by the Pachaiyappa's Trust in different places from the funds of Official Trustee. On interacting with the Principal and other Professors it is felt by the Official Trustee that the surplus funds from trusts may be utilized to give meritorious award to the students who have passed with highest marks in under graduate regular course [shift-I aided college] in the colleges run by Pachaiyappa's Trust.

(ix)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 Chennai and the rural districts of then South Arcot and Chengulput Districts at Cuddalore and Kancheepuram respectively. The above referred institutions are pioneer in the higher educational field to educate the people. Great leaders studied in the colleges. To encourage and motivate the people 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 knowledge of students.

(x) As per the intention of the Testator C.K.Naidu after the expenditure of charities, government cess and other attending expenditure the balance net income should be handed over to the Pachaiyappa's charities. It has been done then and there. From and out of the surplus fund of C.K.Naidu Trust Estate the Official Trustee suggested by this report that meritorious award to the students who secure highest marks in the undergraduate courses of B.A., B.Sc., and B.Com from the C.Kandasamy Naidu College for Men, Anna Nagar, Chennai - 102 and C.Kandasamy Naidu College for Women,

Cuddalore run by the Pachaiyappa's Trust may be considered.

(xi) this meritorious award is restricted only to the undergraduate degree of B.A., B.Sc. and B.Com in regular courses of aided Colleges. The students who have passed postgraduate degree and research degree are not entitled to the award. Further, the students who have studied even in undergraduate degree in the self financing courses [Shift-2] in the above colleges are not eligible to receive this award.

(xii) the B.A. degree means in any discipline of History, Historic studies, Economics, Psychology, Ethics, Tamil, English alike that. B.Sc. degree means any discipline of Maths, Physics, Chemistry, Botany, Zoology and alike that. B.Com means B.Com General, B.Com Corporate Secretaryship and alike that. Therefore, the students who have passed any degree of B.A., B.Sc., and B.Com are eligible to avail this meritorious award from any of the colleges mentioned above.

(xiii) it is proposed to give the meritorious award to the socially, economically weaker section students only from the SC, MBC and BC communities. Therefore, the FC or open category communities' students are not eligible to get this award. The SC communities includes of SC, SC (A) and ST. The

MBC communities includes of MBC (V), MBC - DC and MBC. BC communities include BC and BC (M).

(xiv)each one student from SC, MBC and BC is eligible to get this award from each degree of B.A., B.Sc., and B.Com. with any discipline who secures highest marks in the main degree. In a better understanding one student from each SC, MBC and BC are eligible to get meritorious award from B.A. degree from each college. In the same manner one from each SC, MBC and BC student are eligible to get meritorious award with B.Sc. degree and one from each SC, MBC and BC student are eligible to get award having passed with B.Com degree. Further conditions to avail the award is as follows:

- The student must belong any one of SC [SC, SC(A) & ST], MBC [MBC (V), MBC - DC & MBC] and BC [BC & BC(M)].
- The student should have passed the degree within 3 years and should left the college with the degree.
- The arrears papers, if any, of first year and second year or first semester to fifth semester, as the case may be, should have been passed in the last year or last semester examination.
- All the three years overall marks is to be considered to select the students

to get this award within the same community for each degree of B.A., B.Sc., and B.Com.

- The highest mark scored students from each degree and each community will be honoured by giving this award.
- If more than one students get equal marks in any one of the degree within the same community this award would be equally divided and paid to them.
- The Principal of the respective colleges has to form a selection committee of three faculties to select the student to get this award.
- It is advisable to the Principal that the members of the selection committee should be senior faculty preferably from each degree of B.A., B.Sc., and B.Com.
- Further that three members selection committee faculties may be from each one of SC, MBC and BC community to safeguard the interest of the students.
- The three members selection committee has to finalize the highest mark scored student list in each degree of B.A., B.Sc., and B.Com with community category wise and then submit a report with tabular column

to the Principal and the same will be forwarded to the Official Trustee to give meritorious award.

(xv)there are more students studying in B.A. and B.Sc. degree having more disciplines. But in B.Com degree the discipline is one or two. The B.Com students strength is normally in two digits but in rare case in three digits. Further comparison between B.A. and B.Sc., the former is an art and the latter is a science. Passing of B.A. is normal than B.Sc. Therefore, it is proposed to fix the award amount by taking competitiveness among the large number of students within B.A. and B.Sc. degree a sum of Rs.30,000/- and Rs.40,000/- is fixed respectively. For B.Com. the competitiveness is less and therefore, Rs.20,000/- is fixed for this award.

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

Sl. No.	College name	Undergraduate Topper in College level	Community Category (each one)	Each One Student Award Amount in Rs.
1.	C.Kandasamy Naidu College for Men, III Avenue, E7, Anna Nagar East,	<u>B.A.</u>	SC	Rs.30,000/-
		Economics	MBC	Rs.30,000/-
			BC	Rs.30,000/-
		<u>B.Sc.</u>	SC	Rs.40,000/-
		Maths	MBC	Rs.40,000/-

Sl. No.	College name	Undergraduate Topper in College level	Community Category (each one)	Each One Student Award Amount in Rs.	
	Chennai 600 102.	Physics	BC	Rs.40,000/-	
		Chemistry			
		<u>B.Com</u>			SC
		General			MBC
2.	C.Kandasamy Naidu College for Women, SH9, Semmandalam, Cuddalore 607 001.	BC	BC	Rs.20,000/-	
				Rs.20,000/-	
		<u>B.A.</u>			
		Tamil		SC	Rs.30,000/-
		English		MBC	Rs.30,000/-
		History		BC	Rs.30,000/-
		Economics			
		<u>B.Sc.</u>			
		Maths		SC	Rs.40,000/-
		Chemistry		MBC	Rs.40,000/-
Botony	BC	Rs.40,000/-			
	Zoology				
Total				Rs.4,80,000/-	

(xvii) the total award expenditure comes to Rs.4,80,000/- per year and the said amount may be meted out from the surplus funds of C.K.Naidu. This award will be very useful to the students for their further higher studies. In the event of no adequate fund or surplus fund available in any year, this award may be either withheld to the relevant year or it may be given in the future year. Final decision is with the Official Trustee and no student or

Pachaiyappa's Trust Colleges have any say in this regard.

(xviii) this meritorious award be implemented from the academic year 2020-21

examination. The award should be given in the student's name. The particulars of students name, highest mark, address, their bank detail and identity proof are to be collected by the respective Principal and send directly to the Official Trustee to give meritorious award.

(xix) the Principal, Professors or any one should not collect any amount from the student the purpose of getting award amount for any purpose of sending tapals, flag day contribution, or other similar way. Any complaints received on the above aspects, against anyone 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 August and September of every year. The O/o AG & OT have to pay the award between October and November of every year.

(xx) by way of Doctrine of Cypruss this Court has power to expand the scope of charity from the C.K.Naidu Trust 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 Colleges.

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.30,000/- (Rupees Thirty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.A. degree shift-I from C.Kandasamy Naidu College for Men, Anna Nagar, Chennai 600 102 w.e.f. academic year 2020-21 from the surplus funds of C.K.naidu Trust Estate;
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.Sc. degree shift-I from C.Kandasamy Naidu College for Men, Anna Nagar, Chennai 600 102, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate;
- meritorious award of Rs.20,000/- (Rupees Twenty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.Com degree shift-I from C.Kandasamy Naidu College for Men, Anna Nagar, Chennai

600 102, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate;

- meritorious award of Rs.30,000/- (Rupees Thirty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.A. degree shift-I from C.Kandasamy Naidu College for Women, Cuddalore, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate ; and
- meritorious award of Rs.40,000/- (Rupees Forty Thousand Only) to each one SC, MBC and BC student who secured first mark in B.Sc. degree shift-I from C.Kandasamy Naidu College for Women, Cuddalore, w.e.f. academic year 2020-21 from the surplus funds of C.K.Naidu Trust Estate.

Accordingly, the applications are ordered as prayed for.

01.04.2021

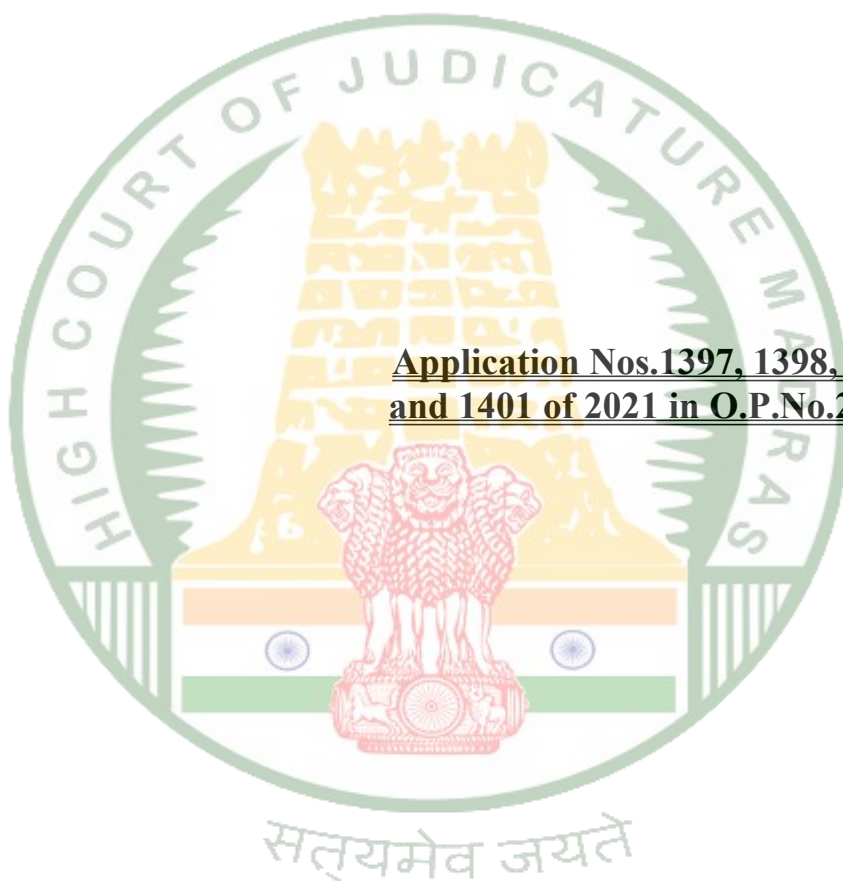
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