



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.13231 of 2013

South Indian Schedule Tribal

Welfare Association,
(Registration No.205/1972)
Represented by its Secretary K.Raghupathy,
Having office at No.579, Anna Salai,
Saidapet, Chennai - 600 015.

... Petitioner

Vs.

1. The Secretary to the Government of India,
Ministry of Tribal Affairs,
Sasthribhavan, New Delhi - 100 001.

2. Adi-Dravidar and Tribal Welfare,
ADW-II Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The District Collector,
Tiruvellore,
Tiruvellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to forward its report about the Petitioner Association for grants to the 1st Respondent in the month of November/December every year in order to obtain the grants within the period of April/May of succeeding year to run the Petitioner Association effectively with the grants of the Government.

For Petitioner : Mr.P.Subba Reddy

For R2 and R3 : Mr.K.M.D.Muhilan
Government Advocate



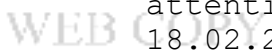
O R D E R
(Through Video Conferencing)

The relief sought for in the present writ petition is to direct the 3rd respondent to forward its report about the petitioner Association for grants to the 1st Respondent in the month of November/December every year in order to obtain the grants within the period of April/May of succeeding year to run the petitioner Association effectively with the grants of the Government.

2.The petitioner states that the South Indian Schedule Tribal Welfare Association is functioning for the welfare and upliftment of the downtrodden, particularly, Narikuravas, gipsis, tribal and destitute children. The petitioner Association is having branches in other Districts and working for the benefit of the downtrodden people. They are running School, wherein, more than 100 students were studying during the relevant point of time.

3.The learned counsel for the petitioner states that the petitioner Association is entitled for grants every year from the 1st respondent/Government of India. For the purpose of availing the benefit of grants, the State Government has to recommend the case of the petitioner and based on the recommendation, grants will be disbursed. The learned counsel for the petitioner states that there was a consistent delay in submitting the report about the petitioner for the purpose of sanctioning the grants. The learned counsel for the petitioner states that, on account of the delay in submitting the report by the State authorities, the petitioner is unable to avail the benefit of grants, which is to be extended for the benefit of the tribal people. On several occasions, the grants got lapsed and the petitioner borrowed money from outsiders and was running the School. This being the situation, the petitioner is forced to file the present writ petition.

4.This Court is of the considered opinion that the procedural delay on the part of the State Government would not deprive a person from otherwise getting his entitlement under the Scheme. The Scheme being run by the Government of India for the welfare of the tribal people, in order to ascertain the eligibility, the 1st respondent/Government of India is seeking a report from the State Government. Based on the report, the Government of India may be in a position to consider the case of the petitioner for release of grants. This being the procedure being followed for implementation of the Scheme, it is the duty of the State authorities to conduct inspection, verify the records, ascertain the entitlement of the petitioner and submit



5. The learned counsel for the petitioner solicited the attention of this Court with reference to the letter, dated 18.02.2015, sent by the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai, to the Joint Secretary to Government of India, Ministry of Tribal Affairs, New Delhi. Para No.2 of the letter reads as follows :

6. Relying on the said letter, the learned counsel for the petitioner reiterated that, on several occasions, the petitioner lost the Grant-in-Aid and spent from their Association funds. Though the petitioner is eligible for Grant-in-Aid, the right is denied on account of procedural delay.

8. Special Schemes for the upliftment of the tribals are in force by the Government of India. Such Schemes are to be implemented effectively and any lapses in this regard must be



viewed seriously. If the authorities committed any lapse or negligence in submitting the report resulting in denial of Grant-in-Aid to the Association, then, actions are to be initiated against the responsible persons who are all liable for such lapses or negligence. Because of the delay or lapses, the right of the tribal or orphan students can never be taken away. If the situation continues in this way, it is to be construed as unconstitutional and the Indian Constitution provides protection for the tribals and upliftment of tribal welfare.

9. Considering the facts and circumstances, this Court is of the opinion that the petitioner has established that they are otherwise entitled for the Grant-in-Aid to be sanctioned by the Government of India on yearly basis. For the purpose of availing the benefit of Grant-in-Aid, the State authorities have to submit their report by verifying the eligibility and entitlement of the petitioner Association.

10. This being the factum established, the following orders are passed :

- i. The petitioner Association is directed to submit their annual application during the month of June every calendar year to the competent authority, along with all relevant documents.
- ii. In the event of receiving any such application from the petitioner in the month of June every calendar year, the respondents 2 and 3 are directed to conduct inspection, verify the eligibility and submit a report to the 1st respondent in the month of November every calendar year, enabling the 1st respondent to consider the case of the petitioner within a reasonable period and sanction the Grant-in-Aid for the benefit of the tribals and orphans, every year.

Accordingly, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India,
Ministry of Tribal Affairs,
Sasthribhavan, New Delhi - 100 001.

2. The Adi-Dravidar and Tribal Welfare
ADW-II Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The District Collector,
Tiruvellore,
Tiruvellore District.

+3CCs to Mr.P.Subba Reddy, Advocate, Sr.No.54303
+1CC to Mr.Government Pleader, Sr.No.55111

W.P.No.13231 of 2013

SSD (CO)
K.RK. (12.11.2021)