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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NOS.23803 & 23804 OF 2018

1. R.Surya
2. R.A.B.Lavanya
3. K.Praveen Kumar
4. R.Mongiya
5. B.Reshma
6. T.Duraiyarasan
7. S.Jayasuriya
8. M.Shamudra
9. G.Tamilarasi
10. A.Manoj

... Petitioners in
W.P.No.23803 of 2018

1. R.Arunmozhi
2. R.Mangai
3. B.Roshini
4. A.Shafiga Mariyam
5. M.Sinduja
6. S.Nivetha
7. P.Thanka Roja
8. D.Pavithra
9. S.Nivetha
10. M.Ravi Sasthiri Raja
11. S.Gautham
12. S.Hemalatha
13. Y.Praveenraj

... Petitioners in
W.P.No.23804 of 2018

.Vs.

1. The Director of Adi-Dravida & Schedule
Tribes Welfare Department,
Ezhilagam Annex Building,
Chepauk, Chennai - 5.

... Respondent 1 in
W.P.No.23803 of 2018



2. The Director of Backward Classes
Welfare Department,
Ezhilagam Annex Building,
Chepauk, Chennai - 5.

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... Respondent 2 in
W.P.No.23804 of 2018

3. The Health Secretary,
The Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
4. The Director of Medical Education,
The Government of Tamil Nadu,
EVR Periyar Saalai,
Kilpauk, Chennai - 600 010.
5. Annai Medical College and Hospital,
Pennalur, Sriperumbudur Taluk,
Kanchipuram District.
6. Sri Devi Karumariamman Educational Trust,
No.5, Chellammal Complex,
Arcot Road, Janaki Nagar,
Valasaravakkam,
Chennai - 600 087.
7. S.Meganathan
8. R.Vijayakumar

... Respondents 3 to 8 herein
R-2 to R-7 in both W.P's

PRAYER IN W.P.NO.23803 OF 2018:-

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to refund the SC/ST scholarship to the petitioners expeditiously.

PRAYER IN W.P.NO.23804 OF 2018:-

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to refund the first graduate scholarship to the petitioners expeditiously.



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IN BOTH W.P'S

For Petitioners : Mr.K.R.Samratt
For Respondent-1 : Mrs.C.Meera Arumugam
Additional Government Pleader
For Respondent : Mr.E.Sundaram
R2 & R3 Government Advocate
For R4 & R5 : No appearance
For R6 & R7 : Mr.N.Ramakrishnan
For M/s.Waraon and Sairams

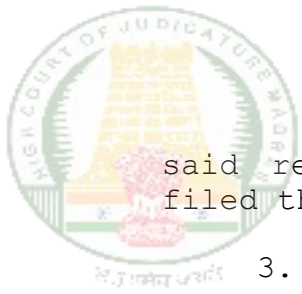
COMMON ORDER

The present Writ Petitions have been filed, seeking for a mandamus, directing the respondents 1 to 5 to refund the scholarship to the petitioners' account expeditiously.

2. Though the Writ Petitions have been filed seeking for an identical relief, for the sake of brevity, facts are being taken from W.P.No.23803 of 2018:-

i) The petitioners herein were erstwhile MBBS students of the fourth respondent-College. Though initially, the fourth respondent-College was given approval by the Medical Council of India (MCI) to run the College for the academic year 2016-2017, however, subsequently, due to some deficiencies noticed in the fourth respondent-College, the approval granted to the College for the academic years 2017-18 and 2018-19 was rejected, pursuant to which, the students were relocated and re-admitted in various other Government Colleges.

ii) The petitioners belong to Scheduled Caste/Scheduled Tribe, as such, they are entitled to get scholarship amount, which was sanctioned by the Government to the fourth respondent-College while the petitioners were pursuing the medical course in the fourth respondent-College. Though the fourth respondent-College received entire fees from the petitioners and other students promising to refund the same, as and when scholarship amount was released by the Government, till date, the scholarship amount sanctioned by the Government have not yet been refunded to the petitioners' account. Since the fourth respondent-College was run by the fifth respondent-Trust, the petitioners and other aggrieved students made representations, dated 14.08.2018 to the respondents 1 to 3 to direct the fifth respondent-Trust to refund the scholarship to them. Since the



said representation evoked no response, the petitioners have filed the Writ Petitions seeking for the aforesaid relief.

3. Heard the learned counsel appearing for the parties concerned and perused the materials available on record.

4. On 17.11.2021, when the Writ Petitions were taken up for hearing, this Court after hearing the elaborate arguments put forth by both the petitioners as well as the respondents, directed Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents 1 to 3 to file a fresh report, setting out the details as to i) what is the actual scholarship amount that was sanctioned by the Government to the petitioners; ii) on what date, the same was sanctioned, iii) to how many number of students (including the petitioners), the amount was refunded; iv) what is the balance amount that is required to be refunded and v) how many students are yet to receive the amount and sought for such report to be filed on or before 06.12.2021.

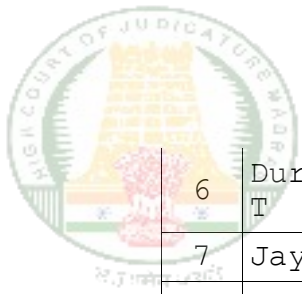
5. Pursuant to the above order, dated 17.11.2021, status reports are filed by the first and third respondents respectively in relation to both the Writ Petitions.

5.1 Insofar as the status report filed by the first respondent, in connection to W.P.No.23803 of 2018 is concerned, it is stated that, a sum of Rs.3,25,000/- was sanctioned to each of the petitioners/students towards SC/ST scholarship and the details of the amount disbursed to the petitioners and yet to be disbursed are furnished in the tabulated column below :-

Annai Medical College & Hospital

Details of SC/ST Scholarship Students Fees Paid Details

S. No.	Student Name	Scholarship Approved by Adi Dravidar	Amount disbursed by Dept	Balance amount to be disbursed by Dept	Fees Dues Deducted/adjusted	Balance amount to be Refunded to Students
1	RAB Lavanya	325000	230000	95000	0	325000
2	Praveen Kumar K	325000	230000	95000	0	325000
3	Mongiya R	325000	230000	95000	0	325000
4	R.Mongiya	325000	230000	95000	0	325000
5	Reshma B	325000	230000	95000	0	325000



6	Duraiyarasan T	325000	0	325000	181050	143950
7	Jayasuriya S	325000	0	325000	0	325000
8	Shamutra M	Ineligible for Scholarship due to High Income				
9	Tamilrasi G	325000	0	325000	0	325000
10	Manoj A	325000	0	325000	0	325000
		292500		1775000	181050	2743950

Amount to be disbursed from Adi Dravidar Department 1775000

Amount available in court 1710000

3485000

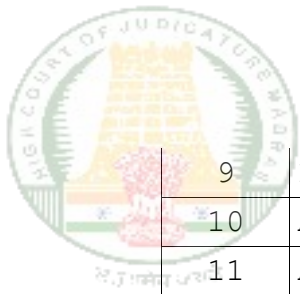
5.2 Thus, as per the said report, a balance sum of Rs.17,75,000/- has to be disbursed to the petitioners in W.P.No.23803 of 2018, excluding the eighth petitioner, (viz., M.Shamudra) as she is not entitled for the scholarship due to over income.

5.3 So far as the status report filed by the third respondent, in regard to W.P.No.23804 of 2018 is concerned, it is stated that, the petitioners' request has been considered and a sum of Rs.22,50,000/- was sanctioned towards first graduate scholarship and the details of the amount disbursed to the petitioners and yet to be disbursed are furnished in the tabular column below:

Annai Medical College & Hospital

Details of 1st Graduate Students Fees Paid Details

S. No.	Student Name	1 st Graduate Scholarship received	Fees Dues Deducted	Balance amount to be Refunded
1	P.Thangaka Roja	125000	0	125000
2	M.Sinduja	125000	50000	75000
3	D.Pavithra	125000	0	125000
4	G.Rajeswari	125000	125000	0
5	B.Roshini	125000	13750	111250
6	R.Mangai	125000	13750	111250
7	S.Nivetha	125000	0	125000
8	Y.Praveen Raj	125000	13750	111250



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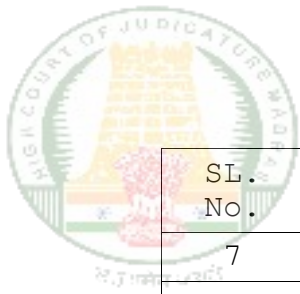
9	P.Yashmi	125000	125000	0
10	A.Shafigamariyam	125000	8750	116250
11	Arun Mozhi	125000	13750	0
12	Nivetha.R	125000	0	111250
13	Ravi Sasthiri Raja.M	125000	0	125000
14	Hemalatha.S	125000	0	125000
15	Gaautham.S	125000	6050	118950
		1875000	369800	1505200

6. It is stated by the learned counsel for both the parties that, consequent to the direction issued by this Court, in a Writ Petition filed by one Hariprasadh and others of fourth respondent-College, viz. W.P.No.25215 of 2017, on 22.12.2021, already a sum of Rs.17,08,750/- has been deposited on various dates and the same are lying in the account of the Registrar General, High Court, Madras, bearing Account No.6598910005 envisaging the contingency of disbursement of scholarship amounts to the entitled students. Therefore, it is submitted by both the parties that the said sum of Rs.17,08,750/- may be directed to be disbursed to the claim of the petitioners in W.P.No.23804 of 2018 to an extent of a sum of Rs.15,05,200/- and the balance may be directed to be released as per the entitlement of the 5 writ petitioners, viz., petitioners 1 to 5 in W.P.No.23803 of 2018.

7. In the light of the above, this Court is inclined to dispose of the Writ Petitions with the following directons:-

i) Insofar as the W.P.No.23804 of 2018 is concerned, this Court directs the Registrar General, High Court of Madras, to release a sum of Rs.15,05,200/- towards first graduate scholarship to be disbursed to the petitioners, numbering 13, in W.P.No.23804 of 2018 in the following manner:

SL. No.	Petitioners name	Amount to be Reimbursed by the 4 th respondent College in Rupees
1	R.Arunmozhi	1,11,250
2	R.Mangai	1,11,250
3	B.Roshini	1,11,250
4	A.Shafiga Mariyam	1,16,250
5	M.Sinduja	75,000
6	S.Nivetha	1,25,000



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SL. No.	Petitioners name	Amount to be Reimbursed by the 4 th respondent College in Rupees
7	P.Thanka Roja	1,25,000
8	D.Pavithra	1,25,000
9	R.Nivetha	1,25,000
10	M.Ravi Sasthiri Raja	1,25,000
11	S.Gaautham	1,18,950
12	S.Hemalatha	1,25,000
13	Y.Praveenraj	1,11,250
	Total	15,05,200/-

ii) So far as W.P.No.23803 of 2018 is concerned, first respondent is directed to disburse a sum of Rs.17,75,000/- towards SC/ST Scholarship to the writ petitioners in W.P.No.23803 of 2018, excluding the eighth petitioner, M.Shamudra, in the following manner:-

SL. No.	Petitioners name	Amount available and yet to disbursed by the 1 st Respondent	Amount to be reimbursed by the 4 th Respondent College
1	R.Surya	95,000	2,30,000
2	R.A.B.Lavanya	95,000	2,30,000
3	K.Praveen Kumar	95,000	2,30,000
4	R.Mongiya	95,000	2,30,000
5	B.Reshma	95,000	2,30,000
6	T.Duraiyarasan	3,25,000	0
7	S.Jayasuriya	3,25,000	0
8	G.Tamilarasi	3,25,000	0
9	A.Manoj	3,25,000	0
	Total	17,75,000/-	11,50,000/-

Iii) Insofar as the balance amount, approximately a sum of Rs.2,03,550/- along with accrued interest, which is lying in the account of the Registrar General, High Court, Madras, bearing Account No.6598910005, in connection to W.P.No.25215 of 2017 is concerned, the same is directed to be reimbursed to the petitioners, numbering 5 in equal proportion, as per their entitlement, who are the petitioners 1 to 5 in W.P.No.23803 of 2018, within a period of eight weeks from the date of receipt of a copy of this order.



iv) Since the aforesaid sum of Rs.2,03,550/-, which is directed by this Court to be paid to the five petitioners, viz., petitioners in W.P.No.23803 of 2018, will not satisfy their whole claim, (as the claim of the five petitioners is more than the said sum of Rs. Viz. Rs.2,03,550/-), the fourth respondent-College is directed to settle the balance scholarship amount to the petitioners 1 to 5, as per their entitlement, since the first respondent has successfully remitted the balance scholarship amount to the fourth respondent-College, and hence, the fourth respondent-College is bound to reimburse the claim of those five petitioners, petitioners 1 to 5 in W.P.No.23803 of 2018. The said direction is directed to be complied with by the fourth respondent-College within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above, both the Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

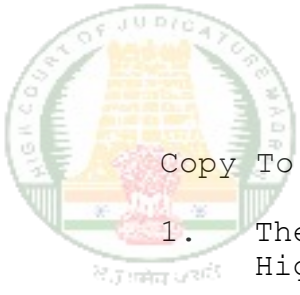
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Sub Assistant Registrar

Pns

To

1. The Director of Adi-Dravida & Schedule Tribes Welfare Department,
Ezhilagam Annex Building,
Chepauk, Chennai - 5.
2. The Director of Backward Classes Welfare Department,
Ezhilagam Annex Building,
Chepauk, Chennai - 5.
3. The Health Secretary,
The Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
4. The Director of Medical Education,
The Government of Tamil Nadu,
EVR Periyar Saalai,
Kilpauk, Chennai - 600 010.



Copy To:-

1. The Registrar General,
High Court, Madras.
2. The Section Officer,
Accounts Section,
High Court,
Madras.
3. Annai Medical College and Hospital,
Pennalur, Sriperumbudur Taluk,
Kanchipuram District.
4. Sri Devi Karumariamman Educational Trust,
No.5, Chellammal Complex,
Arcot Road, Janaki Nagar,
Valasaravakkam,
Chennai - 600 087.

+2ccs to M/s.Waraon and Sairams, Advocate, S.R.Nos.4997 & 4998
+2ccs to Mr.H.Rajasekar, Advocate, S.R.Nos.4549 & 4550
+1cc to the Government Pleader, S.R.Nos.4742 & 4915

W.P.NOS.23803 & 23804 OF 2018

PA (CO)
PBS/23/03/2022