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W.P.No.17048 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.17048 of 2019
and
WMP.Nos.16602 and 16631 of 2019

S.Subbaraman
S/o S.Subbiah

... Petitioner

vs.

1.The Secretary to the Government,
Department of Backward, Most Backward
and Minorities Welfare (BWMB) Department,
Fort St.George, Chennai 600 009.

2. The District Collector,
Tuticorin District,
Korampallam, Tuticorin 628 101.

3.The District Collector,
Chennai District,
Collectorate, 4th Floor,
M.Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai 600 001.

4.C.Ponnaiyan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
to issue a Writ of Certiorarified Mandamus calling for the records relating



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to the proceedings in G.O.(Nilai) No.04, dated 11.01.2019 on the file of the first respondent herein, and to quash the same and to direct the first respondent to consider the name of the petitioner for the award of "The Thanthai Periyar Award for Social Justice" for the year 2018.

For Petitioner : Mr.Elizabeth Ravi

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate for R1 to R3
Mr.M.Loganathan for R4

ORDER

This Writ Petition has been filed to direct the first respondent to consider the name of the petitioner for the award of "The Thanthai Periyar Award for Social Justice" for the year 2018 by quashing proceedings in G.O.(Nilai) No.04, dated 11.01.2019, on the file of the first respondent.

2. The brief facts of the case of the petitioner are as follows:

The petitioner is a retired Government Servant and did many social services. The Government vide G.O.Ms.No.53, BC and MBC Welfare Department dated 10.11.1994 was pleased to institute the "Thanthai Periyar Award for Social Justice" to honour those who have worked for promoting social justice. The award will be presented to the persons selected by the Chief Minister annually from the year 1995. The



Commissioner of Backward Classes Welfare has been advised to initiate the process of inviting applications from the eligible candidates and the District Collectors have been informed accordingly.

(ii) The grievance of the petitioner is that insofar as the Tuticorin District is concerned, the petitioner applied to the 2nd respondent and the said official did not forward his name to the 1st respondent. Thereafter, to his surprise, the 1st respondent had volunteered to give the award to the 4th respondent without following any guidelines and passed the impugned order in that regard. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the 4th respondent did not have any requisite qualification for the said award. The applications have to be received by the District Collectors on or before 31.10.2018, however, the 4th respondent made application only on 12.12.2018, after the expiry of the time limit prescribed for the submission of such application. Further, the applicant has to apply only to the District Collector, but in the present case, the 4th respondent has applied directly to the 1st respondent. Further, there are also other eligible candidates available from several other Districts, but the 1st respondent passed the impugned award in favour of the 4th respondent in a biased manner.

4. The learned Government Advocate appearing for the 1st



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respondent submitted that in the year 2018 from amongst the applications received at various districts, 12 applicant names were received by the Government in December 2018 through the Director of Backward Classes Welfare. The 4th respondent was selected by the Chief Minister and necessary orders were passed in G.O.Ms.No.4 Backward Classes, Most Backward Classes and Minorities Welfare Department dated 11.01.2019 to confer the award. The awardee is honoured by presenting a gold medal of 1 sovereign, cash prize of Rs.1 lakh. The press release calling for applications for the award was published by the District Collector, Thoothukudi. The District Collector, Thoothukudi, received applications for the award from six applicants. All the six applicants were interviewed at Thoothukudi. The petitioner also attended the interview. The District Collector, Thoothukudi, nominated the name of P.Athisayamani, Ottapidaram from Thoothukudi District for consideration of the award. The application of the 4th respondent was received by the District Collector, Chennai, on 12.12.2018 and the name of the 4th respondent was recommended by the District Collector, Chennai, on 17.12.2018.

5. The learned Government Advocate would further submit that the instructions issued by the Government on 08.10.2015 specifically mention that the recommendations shall be submitted till the end of



December 2018. Thus, the recommendation submitted by the District Collector, Chennai is well within the time limit prescribed for the award.

6. The learned Government Advocate would further state that the Government is interested in honouring the deserving application for the said Award and is taking steps to issue more effective guidelines to be followed by the authorities concerned while forwarding the list of eligible and suitable candidates for the “Thanthai Periyar Award for Social Justice” to be pleased before the The Honourable Chief Minister for selection.

7. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned counsel for the 4th respondent and perused the materials available on record.

8. The petitioner has challenged the Government Order in G.O.(Nilai)No.04 dated 11.01.2019 passed by the 1st respondent, in which, the 4th respondent is the recipient of the Award viz., 'Thanthai Periyar Award for Social Justice' for the year 2018, stating that the 4th respondent is not an eligible candidate and the application of the 4th respondent was received after the expiry of the time limit, i.e., prescribed for the submission of such application, i.e., on or before 31.10.2018, however, the 4th respondent made application only on 12.12.2018 and that



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the applicant has to apply only to the District Collector, but in the present case, the 4th respondent has applied directly to the 1st respondent. However, the instructions issued by the Government on 08.10.2015 specifically mention that the recommendations shall be submitted till the end of December 2018. Therefore, the contention of the petitioner in this regard, cannot be countenanced.

9. Further, the applications for the award for the year 2018, were scrutinized and recommendations were made by the District Collectors to the Director of Backward Classes Welfare. It is seen that six applicants were interviewed at Thoothukudi, in which, the petitioner also participated. The Director of Backward Classes Welfare had sent recommendations with the names shortlisted applications to the Government and the Government have examined the recommendations received from the Director of Backward Classes Welfare and the name of the awardee was nominated. The Government, only after following due procedure and according opportunity to all the applicants had selected the awardee.

10. It is pertinent to point out that the Award is not a matter of right of an individual. It is a matter of discretion of the State which has instituted the award, in which, this Court, will not normally intervene. It is the decision of the Selection Committee and it is a policy decision of



the Government.

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11. Therefore, this Court finds no infirmity or illegality in the order passed by the 1st respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

08.03.2024

Index: Yes/No
Speaking/Non-speaking order
sk/vsi
To

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