



WP (MD) No.23155 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.12.2023

Pronounced on : 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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M.Utchimahalipandian

... Petitioner

Vs

1.State of Tamilnadu Rep by
The Chief Secretary,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Head Master,
VOC Government Boys Hr Secondary School,
Kovilpatti,
Thoothukudi District.

4.The Headmistress, Panchayat Union Middle School,
Panikkarkulam Village,
Kovilpatti Taluk,
Thoothukudi District.



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5.The Secretary,
The National Commission for Denotified Tribes,
9th Floor,
Jeevanprakash Building,
25, K.G.Marg
New Delhi – 110 001.

6.Union of India,
Rep by its Secretary,
Ministry of Social Justice,
and Empowerment,
Government of India,
New Delhi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take steps to avail 6th respondent's Dr.Ambedkar Prematric Scholarship for Denotified communities and disburse the same to the petitioner's minor children namely U.Uthayakumar, studying in the third respondent school and U.Muthulakshmi and U.Adhavan, who are studying in the fourth respondent school from the year 2016-2017 to till their completion of tenth standard education or till the existence of the said Scholarship scheme whichever is earlier.

For petitioner	: No appearance
For R1 & R2	: Mr.R.Baskaran
	Additional Advocate General
	Assisted by
	Mr.G.V.Vairam Santhosh,



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For R5 & R6 : Additional Government Pleader
: Mr.C.Nandhagopal
Central Government Standing
Counsel

ORDER

The petitioner belongs to Hindu Maravar Community, which was notified as criminal tribe during the colonial period and the same was subsequently de-notified by the Government of India. The petitioner claims that his annual income was Rs.30,000/- per year and he is having three children namely, U.Uthayakumar, U.Muthuselvi and U.Adhavan studying 10th standard, 8th standard and 6th standard respectively in the fourth respondent Panchayat Union Middle School, Panikkarkulam Village, Tuticorin. The petitioner has filed this writ petition that the petitioner's children are entitled to get scholarship under a Scheme, by name "Dr.Ambedkar Prematric Scholarship for Denotified communities". The grievance of the petitioner is that though a list of de-notified communities has been published, steps have not



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been taken to implement the Scheme in the State of Tamil Nadu.

Therefore, the petitioner has filed this writ petition in the year 2016 for a Mandamus, directing the respondents 1 to 4 to take steps to provide the scholarship as per the above scheme.

2. The Government of India, in order to bring these de-notified community people, nomadic, semi-nomadic tribes at par with other sections of population has introduced a scheme called "Dr.Ambedkar Prematric Scholarship for Denotified communities". The Central Government has sponsored the Scheme and it was revised and amended with effect from 16.04.2015. As per the Scheme, Rs.1,000/- per month has to be provided to the students, who are studying in 1st to 10th standards and Rs.1500/- per month has to be provided to the students, who are studying in Class 10 & 11. Apart from this, certain allowances are also provided for their further studies. The funds are released by the Central Government to State Governments and the State



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Government have to disburse the amounts to the respective beneficiaries through DBT mode. The District Collector would be the Chairman of this District Level Implementation Committee in the concerned Districts and the Chief Secretaries are made as persons to implement this project at State level. However, it appears that this Scheme has not been implemented and the fund provided by the Central Government has not been disbursed to any of the eligible beneficiaries.

3.Though this writ petition was filed in the year 2016, none of the respondents have come forward to file any counter affidavit so far. The Headmaster of the fourth respondent School, in which, the petitioner's children are studying has submitted a report to the District Collector requesting to furnish them the details how to obtain the benefits under the Dr.Ambedkar Pre-Matric scholarship scheme.



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4.The Deputy Solicitor General appearing for the respondent 5 & 6 has made a statement before this Court that the Central Government has forwarded the funds to all the States and the State Government have to implement the same. Though this Court directed the Additional Government Pleader to get written instructions as to the manner in which this Scheme has been implemented in the State of Tamil Nadu, the learned Additional Government Pleader has not filed any report before this Court. This Scheme was introduced by the Government of India with an object to improve the educational empowerment of the DNTs, who are not having any benefits under any other Scheme. This Scheme is implemented by the Central Government through the respective State Governments. Monitoring Mechanism has also been provided by way of a revised and amended Scheme with effect from 16.04.2015, fixing under the Chairmanship of the Chief Secretary/Principal Secretary of the Backward Class to the District Collectors at the District level. It appears that the State Government



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have not even provided any particulars as to the manner in which the scheme can be implemented. It is also evident from the letter of the fourth respondent that the fourth respondent has requested the District Collector on the guidelines for getting this scholarship.

5. There is no representation for the petitioner. Since the Government has not provided the benefits under the scheme to the petitioner's children, who are eligible persons, this Court is inclined to allow this writ petition with a cost of Rs.25,000/-, which has to be paid by the second respondent to the petitioner. The respondents shall issue necessary instructions to all the respective Departments to implement this Scheme in a proper manner by issuing guidelines for applying under the Scheme to all the beneficiaries, who are entitled under this Scheme. The beneficiaries must be provided with the scholarship within a period of one month from the date of receipt of a copy of this order. The learned Additional Advocate General is directed to address



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this issue to the Chief Secretary.

6. Accordingly, this writ petition is allowed with a cost of Rs.25,000/-, which has to be paid by the second respondent to the petitioner. No costs.

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NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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To
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B.PUGALENDHI, J.

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Pre-delivery Order made in
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