



WP (MD) No. 22410 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Order Reserved on : 30-11-2022

Order pronounced on : 22-12-2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Petition (MD) No. 22410 of 2016
and
W.M.P. (MD) No. 16044 of 2016

P. Vedachalam

.. Petitioner

Versus

1. The Principal Secretary
Adi Dravidar and Tribal Welfare Department
Government of Tamil Nadu
Secretariat, Chennai

2. The Director
Directorate of Adi Dravidar Welfare
Chepauk, Chennai

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to act as per the Government orders and to disburse the post matric scholarship to SC/ST/SCA students of all colleges in Tamilnadu at the beginning of every academic year.

For Petitioner : Mr. P. Vedachalam
Petitioner in person
For Respondents : Mr. S.P. Maharajan
Special Government Pleader



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ORDER

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R. MAHADEVAN, J

The petitioner has filed this writ petition, as a pro-bono publico, praying to issue a Writ of Mandamus directing the respondents to act as per the Government orders and to disburse the post matric scholarship to SC/ST/SCA students of all colleges in Tamilnadu at the beginning of every academic year.

2. The petitioner, who is practicing as advocate, claims himself to be a social worker. According to him, he is the founder and Secretary of a non-governmental organisation called as Community Action for Rural Development (CARD), which was registered under the Tamil Nadu Societies Registration Act. It is stated that CARD has been founded with the object of imparting skilled training to young entrepreneurs with an intention to create rural employment, to provide rural housing, drinking water, sanitation facilities and empower women in the rural areas.

3. The grievance sought to be ventilated by the petitioner in this writ petition is with respect to non-implementation of a scheme called post-matric scheme formulated by the Government of India. The petitioner stated that



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09.01.2012, came to be issued to enable the Schedule Caste and Schedule

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Tribe Students to continue their education without any financial hardship. As per the Post-Matric Scholarship scheme, financial assistance is given to Adi Dravidar and Tribal students, who continue their studies from XI standard and whose parent or guardian's annual income does not exceed Rs.2.50 lakhs. Further, an assistance of Rs.230/- to Rs.550/- per month is given as maintenance allowance for day scholars and Rs.380/- to Rs.1,200/- per month as maintenance allowance for hostellers depending upon the class in which they study. That apart, for the students who got admitted in the free seats meant for Schedule Caste/Schedule Tribe in the self-financing colleges, scholarship is being given to pay the fee, as determined by the Fee Determination Committee constituted by the Government. As per the Government Order, the students, who were accommodated in the free seat in the self-financing colleges are not required to pay tuition fee and a direction was also issued to all the Colleges in the State. The petitioner also stated that as per the said Government Order, the scholarship amount payable to the SC/ST students will be disbursed at the beginning of the academic year so as to enable the students to continue their studies without any demand being made by the respective colleges for payment of fee. According to the petitioner, the scheme has not been properly implemented and due to delay in disbursement of the scholarship amount, several students, who were admitted



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under the free seat meant for SC/ST categories, are finding it very difficult to continue their studies. Even though the Government had allocated a sum of Rs.623.50 crores through a policy note issued for the year 2015-2016, the disbursement ratio is very poor. At the beginning of the academic year, the full amount under the post-matric scholarship scheme has to be calculated and disbursed but it is seldom done. Therefore, the petitioner has come forward with this writ petition.

4. Referring to G.O.Ms.No.6, Adi Dravidar Welfare Department dated 09.01.2012 and G.O. Ms. No.92, Adi Dravidar Welfare Department dated 11.09.2012, the petitioner drew the attention of this Court to the salient features of the Post-matric Scholarship scheme, which is aimed at enhancing the literacy rate among the SC/SC and other backward classes. The fee payable to each of the student admitted under the SC/ST quota in the self-financing colleges has to be determined and disbursed during the beginning of the academic year so as to enable the students to continue their education without any hassle. The admission of the students largely depends upon the scholarship amount disbursed by the Government and any delay in disbursement of the scholarship amount would greatly affect the career of the student. Even though the Government has taken a policy decision to pay the scholarship amount, the delay in disbursement has defeated the very purpose with which the scheme



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was formulated. The petitioner therefore prayed for appropriate direction to the respondent authorities to implement G.O. Ms. No.6, Adi Dravidar Welfare Department dated 09.01.2012 and G.O. Ms. No.92, Adi Dravidar Welfare Department dated 11.09.2012 in letter and spirit, so as to enable the students belonging to SC/ST to pursue their studies without any hardship.

5. Per contra, the learned Special Government Pleader appearing for the respondents submitted that the present writ petition has been filed by the petitioner without properly understanding the procedure involved in admission of the students belonging to SC/ST to the various courses in Self-financing colleges. The petitioner has projected as if the post-matric scholarship amount has not reached most of the beneficiaries eligible under the scheme in time. According to the learned Special Government Pleader, admission to various courses under different streams such as Arts and Science, Medical, Engineering, Agriculture etc., are carried out in different phases. For eg., Engineering admissions are completed before 31st September of every year as per the guidelines issued by the Honourable Supreme Court. Para- medical admissions are completed in October/November, whereas, Law admissions sometimes take upto December. After admission of the student, the institution concerned receives scholarship application from the eligible students with necessary documentary proof such as community certificate, income



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certificate, attendance certificate, mark sheets, bank pass book etc., as per the

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scheme. On receipt of the application, the institution concerned has to register the application details through online in the department's website which will be scrutinised by the District Officers concerned and forwarded the same to the department for further processing. The head of the department will thereafter scrutinise the application to ensure that the student is pursuing a recognised course and is not beneficiary of any other scholarship scheme sponsored by the Central or State Government, whether the admission of the student is under management quota or government quota etc., Thereafter, the head of the department concerned will take up the case of the individual student and disburse the amount through Electronic Clearing Service (ECS) mode to the student/institution's account as the case may be. Further, under the post-matric scholarship scheme, the value of scholarship given consists of two major components namely (i) maintenance allowance and (ii) compulsory and non-refundable course fee payable by the scholar and it does not include non-compulsory and refundable fee like hostel fee, mess fee, transportation fee, caution deposit etc., As per the procedures now adopted, in respect of Government and Government aided colleges, the two components are disbursed to the students bank account directly. In respect of self-finance colleges only maintenance allowance component is disbursed to the students' SB Account through ECS and course fee component is disbursed to the

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respective institution through ECS. The department had disbursed all eligible scholarship claims made by the students upto 2015-2016 except 10% of the course fee component to be disbursed to the institutions on behalf of the students. Therefore, the learned Special Government Pleader would contend that at the beginning of the every academic year, even before the admission of the student into the particular stream of education, without verifying the profile and credentials of the student, their eligibility etc., the scholarship amount cannot be disbursed. The disbursement of scholarship is subject to verification of various aspects as mentioned above.

6. The learned Special Government Pleader further submitted that there are 684 Government and Government Aided College and 2727 self-finance college recognised by the Government in the State which are imparting higher education. The scheme in question is a central as well as the State financed scheme. The State Government sponsors the committed liability and remaining fund is given by the Central Government. For the financial year 2015-2016, a sum of Rs.1128.53 crore has been projected as the estimated expenditure under the scheme. Upto the year 2015-2016, scholarship claim to the tune of Rs.1191.00 crore has been disbursed. In some cases, for want of funds, scholarship amount has been disbursed in phases. In such event, proposals will be sent then and there for release of the funds to both the



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Central as well as the State Government. The petitioner, without being aware of the above facts, has hastily filed the present writ petition as if scholarship amount does not reach the beneficiaries at all. In such circumstances, the learned Special Government Pleader submitted that no further direction is required to be issued by this Court in this writ petition and he prayed for dismissal of the writ petition.

7. We have heard the petitioner as party-in-person and the learned Special Government Pleader and also perused the materials placed before us.

8. At the outset, it is pertinent to look into the scholarship schemes available to the students belonging to the SCs, STs and SCAs. The scheme of Post Matric Scholarship to the students belonging to STs for studies in India is managed by the Ministry of Tribal Affairs, Government of India. The object of this scheme is to provide financial assistance to the students belonging to ST to enable them to complete their education. The scheme can be availed by the students, whose parents/guardians' annual income from all sources does not exceed Rs.2,00,000 (Rupees Two Lakhs only). As per the scheme, Maintenance allowance is payable from 1st April or from the month of admission, whichever is later, to the month in which the examinations are completed, at the end of the academic year (including maintenance allowance



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during holidays), provided that if the scholar secures admission after the 20th day of a month, the amount will be paid from the following month. In case of renewal of scholarship awarded in the previous years, maintenance allowance will be paid from the month following the month upto which scholarship was paid in the previous year, if the course of study is continuous. The Government of the State/Union Territory Administration, to which the student belongs, in accordance with the procedure laid down by them in this regard, will pay the scholarship money to the selected students. The Scholarship will not be paid for the period of internship/housemanship in the M.B.B.S. course or for a practical training in other course if the student is in receipt of some remuneration during the internship period or some allowance/stipend during the practical training in other course.

9. Admittedly, the Scheme for Post Matric Scholarship to the students belonging to the Scheduled Tribe, is implemented by the State Governments and Union Territory Administrations, which receive 100% central assistance from Government of India, over and above their respective Committed Liability. The level of Committed Liability of respective State Governments/Union Territory Administrations for a year is equivalent to the level of actual expenditure incurred by them under the Scheme during the terminal year of the last Five Year Plan Period and is required to be borne by them for which they are required to make required provision in their own



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10. For the students belonging to the Scheduled Caste, Post Matric Scholarship Scheme is implemented by the Ministry of Social Justice and Empowerment. According to the revised guidelines as applicable from 2020-2021, the objective of the scheme is to appreciably increase the gross enrollment ratio of SC students in higher education and enable them to complete their education. The students belonging to SC, whose parents/guardians' total annual income from all sources do not exceed Rs.2,50,000 (Two Lakhs Fifty Thousand rupees) are eligible for the benefits. The financial burden shall be shared in the ratio of 60:40 between the Centre and the State. The new guidelines specifically prescribe the timelines for disbursement of scholarship and also require timely payment of the scholarship amount.

11. Earlier, WP No. 1543 of 2018 was filed before this Court seeking an identical relief in the case of **D. Ashok Kumar v Director, Social Justice and Empowerment, Union of India and Others**. The writ petition was filed in the light of decision of the state government to restrict the benefits of the Post-matric scholarship scheme due to paucity of funds from the central government. By order dated 26.10.2018, this Court issued a direction to the Union of India to release funds towards the scholarship amount to SCs and



STs and enable them to pursue higher education. In the said order, this court considered various Government Orders, regulations governing the scheme and communications between different ministries, departments and the central and state government. Ultimately, since the Government of India was also a party to that lis, the Ministry of Social Justice and Empowerment was directed to disburse the scholarship amount for the year 2017-2018. The operative portion of the order is reproduced below:

“64. From the above, it is clear that the Central Government have not disbursed the arrears of their shares of Rs.822.91 Crores upto 2016-2017. Though Department of Finance, Government of India, is not a party to this lis, allocation of funds has to be made as per the scheme, promptly. Department of Social Justice and Empowerment, New Delhi, represented by its Director, is directed to disburse the arrears of Rs.822.91 Crores, representing the post-matric scholarship to SC students upto 2016-17, within two months, from the date of receipt of a copy of this order.

65. The Department of Social Justice and Empowerment, New Delhi, represented by its Director, is directed to disburse the post-matric scholarship of Rs.162 Crores, for the year 2017-18, within two months, from the date of receipt of a copy of this order.

66. On receipt of the Central Share of post-matric scholarship [s], the Principal Secretary to the Government, State of Tamil Nadu, AdiDravidar and Tribal Welfare Department, Chennai and the Director, AdiDravidar and Tribal Welfare Department, Chennai, respondents 3 and 4 herein, are directed to disburse the sum of Rs.162 Crores, of Scholarship to be paid to Scheduled Caste students for the academic year 2017-18,



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pursuing Arts/Science/Professional courses, within one month thereafter.”

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12. In the present case, the petitioner has flagged the issue with respect to delay in payment of the scholarship to the students belonging to SC/ST/STA, which leads to a situation where the students could not pursue the education continuously and thereby the laudable object with which the scheme was framed, itself is defeated. According to the respondents, the delay for timely disbursement of scholarship amount, is only due to procedural and financial flaws.

13. Article 15(4) of the Constitution of India provides for affirmative action for the advancement of Scheduled Castes and Scheduled Tribes. Article 46 under the Directive Principles of State Policy requires the State to promote educational and economic interests of the Scheduled Castes/Scheduled Tribes and it runs thus:

46. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

14. Therefore, we are of the view that the scholarship schemes formulated and implemented by the Central and State Governments are in



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pursuance of the Constitutional goals and they address the educational barriers faced by the students belonging to the SC/ST/STA and increase their enrollment ratios, enabling them to complete their education, without any financial hardship. While so, the non-disbursal of the scholarship amounts in time hits the achievement of these constitutional goals. In the writ petition mentioned above, the scholarship amount was directed to be disbursed only in respect of the academic year 2017-2018. Therefore, considering the nature of the issue involved herein, which seems to be a long-running one, and also taking note of the difficulties expressed by the respondents in implementing the scheme to disburse the scholarship amount in time, we suggest the respondents to constitute a committee/task force with representatives of the State government, Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs to identify the hiccups in effective implementation of the post-matric scholarship schemes from the forthcoming academic years and resolve the same, so as to ensure timely disbursement of the scholarship amount to the eligible students.

15. With the above direction, we dispose of this writ petition. No costs. Consequently, connected miscellaneous petition is closed.

(R.M.D., J) (J.S.N.P. J)

22.12.2022



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WEB COPY Index: Yes / No

Internet : Yes / No

To

1. The Principal Secretary
Adi Dravidar and Tribal Welfare Department
Government of Tamil Nadu
Secretariat, Chennai
2. The Director
Directorate of Adi Dravidar Welfare
Chepauk, Chennai



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R.MAHADEVAN, J.
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