

Court No. - 10

Case :- WRIT - C No. - 16405 of 2023

Petitioner :- C/M Shyama Tiwari Mahavidyalay Tinhari
Parshupur And 10 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya, Sanjeev
Singh

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Awadhesh Kumar Malviya, learned counsel for the petitioners and Shri Jitendra Singh, learned Additional Chief Standing Counsel for the respondent Nos. 1 to 3 and perused the record.

2. Affidavits have been exchanged between the parties and, therefore, the writ petition is being finally decided.

3. This writ petition has been filed by the Committees of Management of eleven Educational Institutions with the following prayer:

(i) To issue a writ, order or direction in the nature of Mandamus directing the respondents to make verification of status of students of institutions by affiliating agency with regard to provide scholarship to the students of institutions within stipulated period.

4. The submission of Shri Malviya is that in relation to all the petitioners, the reason for rejection of Post-Metric Scholarship by the District Scholarship Committee has been assigned as "Institutions Not Verified By Affiliating Agency" and current

status is being shown as "Rejected by District Scholarship Committee". He submits that on account of non-uploading of relevant information on the concerned website, the petitioners are sufferers and by referring to annexures to the counter affidavit filed on behalf of respondent Nos. 2 and 3, it is contended that all the communications are in between the respondent No. 2 and respondent No. 3 with positive recommendation to complete the process on urgent basis, however the delay occurred on their part to consider the petitioners' claim, cannot be fatal to the petitioners' right and interest and, therefore, not only one line rejection contained in certain communications is un-reasoned, but also the petitioners not being put to notice in relation to the proceedings allegedly conducted, they have been taken by surprise by the information uploaded on the website.

5. Shri Jitendra Singh, learned Additional Chief Standing Counsel, on the other hand, submits that as per Government Order/Letter dated 10.04.2023, clear bifurcation in relation to Scheduled Castes and Scheduled Tribes Categories students has to be given and specific time schedule was released in this matter. He further submits that even the requisite portal was reopened, but consideration could not go beyond by 01.05.2023 and, therefore, in absence of necessary information provided by the Institutions, the Authorities have rightly rejected the petitioners' claim and that no relief can be granted once the time schedule has already lapsed.

6. Considering the material placed on record, it appears that on account of certain lapses on the part of the Institutions or the Authorities, the ultimate result has gone against the petitioners. The submission advanced on behalf of the petitioners that they are entitled for the concerned scholarship, but have been victimized on

account of delay on the part of respondents and, even if, the time schedule has lapsed, the petitioners cannot be put to fault, the writ petition stands **disposed of** in the following terms:

(i) The respondent No. 2 shall issue notice to the petitioners calling upon them to submit necessary documents in support of their request made before this Court **by the end of December, 2023.**

(ii) The petitioners-Institutions shall respond to the notice and shall produce necessary documents **in the month of January, 2024.**

(iii) The respondent No. 2 shall take a decision on the individual grievances of the petitioners **by the end of March, 2024,** after providing opportunity of hearing to the petitioners and strictly in accordance with law.

(iv) In case, certain lapses are found on the part of the respondents or the petitioners, the same shall be specifically dealt with, with reference to the time schedule and any other leverage granted at any stage of proceedings and entitlement of the petitioners on merits shall also be dealt with by the respondents.

(v) The petitioners are directed to file certified copy of this order before the respondent No. 2 **by the end of November, 2023.**

Order Date :- 16.11.2023

Sazia