

GAHC010116572024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/36/2024

MAMTAZ FOUNDATION
REPRESENTED BY ITS DIRECTOR MR. FARUK ABDULLAH, OFFICE
ADDRESS- VILLAGE AND P.O. FAKALIPATHAR, P.S. JURIA, DISTRICT
NAGAON ASSAM, PIN- 782124

VERSUS

THE UNION OF INDIA AND 3 ORS
MINISTRY OF EDUCATION, GOVERNMENT OF INDIA REPRESENTED BY
THE SECRETARY, SHASTRI BHAWAN, NEW DELHI, PIN- 110001

2:UNIVERSITY GRANT COMMISSION (UGC)
MINISTRY OF EDUCATION
GOVERNMENT OF INDIA
BAHADUR SHAH ZAFAR MARG
NEW DELHI
PIN- 110002

3:DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
GOVERNMENT OF INDIA
5TH FLOOR
B WING
PT. DEENDAYAL ANTYODAYA BHAWAN
CGO COMPLEX
NEW DELHI
PIN- 110003

4:CANARA BANK GOVERNMENT BUSINESS BRANCH
NATIONAL ARCHIVES OF INDIA (ANNEXE)
ADJOINING SHASHTRI BHAWAN
JANPATH

NEW DELHI
PIN- 11000

For petitioner(s)/appellant(s) : Mr. A.C. Buragohain, Sr. Advocate
Ms. S. Nath, Advocate
Mr. R. Singh, Advocate

For respondent(s) : Ms. A. Gayan, CGC

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

04.11.2024

(Vijay Bishnoi, CJ)

Heard Mr. A.C. Buragohain, learned senior counsel appearing for the petitioner. Also heard Ms. A. Gayan, learned Central Government counsel appearing for the respondent Union of India.

This PIL petition is filed by the petitioner foundation with the prayer to issue directions to the respondents to immediately release the scholarship amounts to the awardees under the schemes, namely, (a) Post Graduate Indira Gandhi Scholarship for Single Girl Child (SGC), (b) Post Graduate Scholarship for Professional Courses for SC/ST Students (PGSPROF), (c) Rajiv Gandhi National Fellowship for Students with Disabilities (PGNFD) and (d) National Fellowship for Persons with Disabilities (NFPWD), under the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India.

It is the case of the petitioner that the scholarship amounts have not been released to the awardees by the respondents without assigning any reasons.

This Court, after hearing the learned counsel for the petitioner on 19.06.2024, has granted time to the petitioner to furnish better particulars in support of its claim made in this PIL petition. The Court has granted time on 19.06.2024 to the petitioner probably because the petitioner has failed to specify as to how many awardees have

failed to get the scholarship amount and, in the absence of such details, no specific directions can be issued.

Pursuant to the time granted by this Court, an additional affidavit is filed on behalf of the Director of the petitioner foundation stating that some of the selected awardees, whose names find mention in paragraph 1 of the additional affidavit, have approached to the PIL petitioner with their details highlighting that they have failed to get the scholarship amount under various schemes due to fault of the bank. Interestingly, all the persons, as per the petitioner foundation, who have approached the Director of the foundation, have communicated with the Director that he/she was selected under the particular scheme and approached the nearest designated Canara Bank branch, but the bank branch was unable to upload their documents for disbursement of the amount due to the issue of manpower - technical and untrained, etc. It is further mentioned that the persons also approached the concerned institution but the institution was unable to upload the documents as 24 months' time was already over. All the communications made by the awardees with the Director of the petitioner foundation are verbatim, and one of the communications is reproduced hereunder:

*“To
The Director,
Mamtaz Foundation,
Fakalipathar, Nagaon (Assam).*

Sub:- Request to take necessary steps for disbursement the sanctioned scholarship amount.

Sir/Madam

With due respect to inform you that I am Rup Jyoti Bordoloi, D/o Lakheswar Bordoloi was selected for SGC scheme vide candidate ID:- SGC-ST-2015-16-32663. Accordingly, I approached to nearest designated Canara Bank branch, but approached designated branches unable to upload the documents for disburse the amount due to issue manpower, technical & untrained etc. Also I approached in our institution, but institution is unable to upload the documents in the reason 24 months' time is already over.

Therefore, requested you that kindly take necessary steps for disburse the sanctioned scholarship amount.

Yours faithfully
Sd/-
Rupjyoti Bordoloi

It is difficult to comprehend that all the awardees of the scholarship under the different schemes for different years have been denied the benefits under the above-referred scholarship schemes for one and the same reason. Necessary details, such as, when and to which designated bank branch the persons had approached have also not been provided in this PIL petition.

Otherwise also, Rule 10(i)(d) of the Gauhati High Court (Public Interest Litigation) Rules, 2011 (hereinafter referred to as "PIL Rules, 2011") specifically provides that in a PIL petition the petitioner should specify in paragraph 3 of the petition the class of persons for whose benefit the petition has been filed and as to how such persons are incapable of accessing the Court themselves. However, in the present petition, the petitioner has failed to specify as to how the persons, for whose benefit this PIL petition is filed, are incapable to approach this Court by themselves for redressal of their grievances. In paragraph 3 of this PIL petition it is only mentioned that the present petition is filed for the benefit of the poor, disabled, economically weaker section and socially-economically downtrodden people. It is further mentioned that as they are incapable of accessing this Court themselves, the petitioner is filing this PIL petition.

The aforesaid averments are not sufficient to satisfy the requirement of Rule 10(i)(d) of the PIL Rules, 2011. It is also to be noticed that this PIL petition is filed with the prayer to release the scholarship amounts to the awardees for the years 2015-2016 to 2018-2019. However, no explanation has been offered to justify the delay of 8 to 5 years in approaching this Court.

Looking at the above facts and circumstances of the case, we are unable to issue a writ of mandamus in public interest at the instance of the petitioner.

Hence, this PIL petition is dismissed. However, the awardees of the scholarships under the various schemes, as mentioned in this PIL, are free to avail appropriate

remedy available to them for redressal of their grievances.

JUDGE

CHIEF JUSTICE

Comparing Assistant