

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3889 of 2015 (I)

PETITIONER(S):

**ATHIRA K.SUNNY, PGDM-II STUDENT,
INDIAN INSTITUTE OF MANAGEMENT-ROHTAK HARYANA,
PERMANENTLY RESIDING AT: KANNAMKULATHU HOUSE,
THATTAKUZHA P.O., IDUKKI DISTRICT-685 581.**

**BY ADVS.SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL),
SRI.A.R.DILEEP,
SRI.MANU SEBASTIAN,
SMT.PARVATHY NAIR.**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY TO THE
MINISTRY OF MINORITY AFFAIRS, 11TH FLOOR,
PARYAVARAN BHAVAN, CGO COMPLEX,
LODHI ROAD, NEW DELHI-110 003.**
- 2. DIRECTOR,
SCHOLARSHIPS (PRE-METRIC, POST-METRIC,
MERIT-CUM-MEANS), MINISTRY OF MINORITY AFFAIRS,
11 TH FLOOR, PARYAVARAN BHAVAN, CGO COMPLEX,
LODHI ROAD, NEW DELHI-110 003.**
- 3. SENIOR FINANCE OFFICER,
DIRECTORATE OF OF TECHNICAL EDUCATION,
PADMA VILASOM ROAD, FORT P.O.,
THIRUVANANTHAPURAM-695 023.**

**R1 & R2 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
R3 BY GOVT. PLEADER SRI.MUHAMMED SHAFI. M.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: A TRUE COPY OF THE AISSE MARK CERTIFICATE DATED 25.05.2004.
- EXHIBIT P2: A TRUE COPY OF DEGREE CERTIFICATE ISSUED BY MAHATHMA GANDHI UNIVERSITY DATED 28.01.2011.
- EXHIBIT P3: A TRUE COPY OF CERTIFICATE OF FEE STRUCTURE OF IIM-ROHTAK.
- EXHIBIT P4: A TRUE COPY OF COMMUNICATION NO.F.NO.1/1(10)/2014-SS DATED 26.02.2014 FROM THE 1ST RESPONDENT.
- EXHIBIT P5: A TRUE COPY OF APPLICATION FORM DATED 19.09.2014 SUBMITTED BY THE PETITIONER.
- EXHIBIT P6: A COPY OF NATIVITY CERTIFICATE NO.1654/14 DATED 04.09.2014 ISSUED BY UDUMBANNOOR VILLAGE OFFICE.
- EXHIBIT P7: A TRUE COPY OF FEE RECEIPT OF IIM-ROHTAK FOR TERM IV.
- EXHIBIT P8: A TRUE COPY OF ONLINE FEEDBACK FOR PETITIONER'S APPLICATION OBTAINED FROM WWW.MOMASCHOLARSHIP.GOV.IN.
- EXHIBIT P9: A TRUE COPY OF INCOME CERTIFICATE NO.7994081 DATED 05.09.2014 ISSUED FROM THODUPUZHA TALUK OFFICE.
- EXHIBIT P10: A TRUE COPY OF REPRESENTATION DATED 07.01.2015 WITHOUT ANNEXURES.
- EXHIBIT P11: A TRUE COPY OF REPRESENTATION DATED 07.01.2015 MADE BEFORE THE 1ST RESPONDENT WITHOUT ANNEXURES.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 3889 of 2015

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Dated, this the 6th day of February, 2015

JUDGMENT

The prayers raised in the writ petition are in the following terms:

"(i) Declare that Ext. P5 application submitted by the petitioner is in order and that the same is entitled to be considered by the 3rd respondent on its merits;

(ii) Issue a writ in the nature of mandamus, or any other appropriate writ, direction or order, directing the 3rd respondent to treat Ext.P5 application as in order and to forward the same to respondents 1 & 2 for grant of scholarship.

(iii) Issue a writ in the nature of mandamus, or any other appropriate writ, direction or order, directing the 3rd respondent to receive original of Ext. P9 income certificate from the petitioner and forward Ext. P5 to respondents 1 & 2, after incorporating Ext. P9 for grant of scholarship.

(iv) Alternatively, issue a writ in the nature of mandamus, or any other appropriate writ, direction or order,

directing the 3rd respondent consider and pass orders on Ext. P10 representation within such time as may be fixed by this Hon'ble Court; or

(v) Issue a writ in the nature of mandamus, or any other appropriate writ, direction or order directing the 1st respondent to consider and pass orders on Ext. P11 representation within such time as may be fixed by this Hon'ble Court.

2. The learned counsel for the petitioner submits that the petitioner has satisfied all the requirements, so as to have the concerned scholarship and it was accordingly that Ext.P5 application was preferred before the 3rd respondent. The said application was not acted upon, for the reason that the income certificate was not enclosed along with the application. The case of the petitioner is that in Ext. P5 (running page 21 of the writ petition), list of the documents to be submitted along with the application has been mentioned, wherein the income certificate is not made a mention. It is also pointed out that the petitioner has already obtained necessary income certificate, as borne by Ext. P9 and it has been produced along with Ext. P10 representation. The prayer is only to cause the Ext. P10 to be considered within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext. P10, in accordance with law, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 3rd respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd