

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.22741 of 2014 (O&M)
Decided on : 08.10.2015**

Yogesh Bansal

... Petitioner

Versus

U.T. Chandigarh Administration and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. J.S. Rana, Advocate
for the petitioner.

Ms. Sonia Sharma, Advocate
for respondents No.1 and 2.

G.S. Sandhawalia , J. (Oral)

The challenge in the present writ petition is to the decision dated 31.07.2014 (Annexure P-9) taken by the Committee constituted by respondent No.2, whereby the petitioner's claim for free education of meritorious Scheduled Caste and Backward Class student for higher studies has been rejected.

The said decision has been taken in pursuance of earlier order passed by this Court on 05.05.2014 in CWP No.23456 of 2012 (Annexure P-8). The reasoning given by the Committee is that the purpose of the scheme would be defeated in case the benefit is to be given to the students whose performance is not found upto the mark. The relevant portion of the impugned order reads as under:-

“The Committee considered the case in view of directions made by the Hon'ble Court of Punjab & Haryana and felt that the purpose of this scheme will be defeated in case the incentive is given to the students whose performance has not been remained meritorious during the course of study. Para/Clause- 13 of the Scheme states that “Benefit shall also be discontinued if the student fails in a particular year or his/her performance is not found upto the mark by the Committee and the student discontinues course of study”.

*The Committee, therefore, unanimously decided to reject the claim for incentive of Sh. Yogesh Bansal under the scheme **“Free Education of Meritorious Scheduled Caste/Other Backward Classes Students for Higher Study”** as his performance has not been remained satisfactory.”*

The said reasoning is on the basis of Clause 13 of the 1998 Scheme, wherein if a student performance is not found upto the mark by the Committee, the benefit is not to be granted. Clause 13 of the Education Scheme, 1998 reads as under:-

“Benefit shall also be discontinued if the student fails in a particular year or his/her performance is not found upto the mark by the Committee and the student discontinues course of study.”

It is not disputed that the petitioner belongs to an OBC Category and had taken admission in the Chandigarh Engineering College, Landran, Mohali. He had made a request for reimbursement of his tuition fee as per the Education Scheme, 1998. He had got the benefit of Rs.43,500 during the year 2008-09 and due to the getting compartment in the first and in the fifth

semester, the benefit of the scheme was not granted to him for the 6th and 7th semester. A show cause notice dated 28.02.2012 (Annexure P-3) was issued to him. The said action was challenged by the petitioner and vide letter dated 06.11.2012 (Annexure R-6) the benefit was denied and it was rejected on the same ground that it was not covered under Clause 13 of the Education Scheme, 1998.

It is further not disputed that the petitioner successfully passed the said course by securing 73.24 % marks and within the prescribed period of the course. Keeping in view this fact, this Court had earlier directed the respondents to re-consider the issue keeping in mind the fact that the beneficial scheme was for students belonging to Scheduled Caste/Backward Classes who are having unfavourable economical conditions. It was also noticed that in the petitioner's case his father was a patient of Paranoid Schizophrenia and suffering from Avascular Necrosis of the left hip and the petitioner had to help his mother by doing odd jobs.

Unfortunately, all these factors have not even been considered by the Committee which has chosen to repeat its order in a parrot like manner and stick to the earlier stand without noticing the observations of this Court passed earlier. The only factor noticed is that the Court had directed that the application

should be decided afresh. The observations made in the order as to what was the background and what was the discussion has been lost sight of the Committee and the fact that the petitioner had completed his course successfully within the prescribed period.

Resultantly, the impugned order dated 31.07.2014 (Annexure P-9) cannot be held to be justified and accordingly the same is quashed. A writ of mandamus is issued to the respondents to sanction and disburse the amount for 6th and 7th Semester to the petitioner for which he is found entitled, within a period of 2 months from the receipt of the certified copy of this order.

With the above observations, the present writ petition is allowed.

OCTOBER 08, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE