

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6413 of 2013

Date of Decision.11.02.2015

Ravinder Sharma and others

.....Petitioners

Versus

Union of India and others

.....Respondents

Present: Mr. Anita Sharma, Advocate
for the petitioners.

None for respondent No.1.

Mr. NDS Maan, Advocate
for respondent Nos.2 and 3.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. All the three petitioners who gained admission into a diploma course with the Sant Longowal Institute had applied for scholarship brought under a scheme floated by the Ministry of Human Resources Development. They had availed to themselves the scholarship in the first year but it was later denied on the ground that the scheme did not provide for extension of scholarship to persons who were pursuing diploma courses. The petitioner would contend that after the three years, the persons who had ranked amongst the first 50% were entitled to be absorbed for continuation of the courses for the 4th and 5th years which on completion was to be treated as an Integrated Course in the Bachelor of Engineering and they were also awarded with the Bachelor's degrees. The petitioner would refer to the degrees contending that they must be taken as course pursuing in Bachelor of

Engineering and the scholarship cannot be denied by the reference to the fact that first three years were part of the diploma course. According to the petitioners whole five years period must be taken as an integrated course and their entitlement cannot be denied to them. There is prayer for quashing the instructions issued disqualifying the students studying in diploma courses as not eligible under the scheme.

2. There is no representation for the Union to defend the restriction of the scholarship to only degree courses and not availing it to diploma course which merges into a bachelor's course of engineering. There ought to be a basis for any justification of why a denial is made to a particular class of persons who joined the stream of a bachelor's course. I find no justification at all for the scheme that makes ineligible the students studying in various diploma courses without minding the effect of situations of persons who merged in a bachelor's degree course. I find that there is no concealment of any issue relating to the fact that they were at the time of admission to the course taking admission only to a diploma course which after the completion of two years as persons who fell within the first 50% in the order of merit were absorbed into the bachelor's degree of Engineering Course and completed the course as well. The denial of scholarship cannot be supported and I quash the order and direct the entire scholarship that has accrued for each one of the years to be released within a period of six weeks from the date of receipt of copy of the order.

3. The writ petition is allowed on the above terms.

(K. KANNAN)
JUDGE

February 11, 2015