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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7351/2015

KRITIKA MISHRA Petitioner
Through: Mr Alok Kumar, Adv.

versus

MINISTRY OF SCIENCE & TECHNOLOGY
& ANR Respondents
Through: Mr Dev P. Bhardwaj, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **15.09.2015**

1. By this writ petition, challenge is laid to the rejection of the petitioner's application for Inspire Scholarship (2013). A consequent direction is also sought for award of Inspire Scholarship to the petitioner by respondents for the year 2013.

2. The petitioner had appeared for class XII examination conducted under the aegis of Board of High School and Intermediate Education, U.P., Allahabad (in short the Board). The petitioner sat for this examination in 2013. Upon the result being declared by the Board, she ranked amongst the top 1% of the students, who sat for the said examination.

2.1 Accordingly, the petitioner filed an application for award of Inspire Scholarship via the website of the respondents on 05.10.2013. Inadvertently, it appears, the petitioner could not enclose the "**Endorsement Certificate**" which was one of the documents stipulated by the respondents for processing the application. Other information and documents, such as

the passport size photograph of the petitioner, XIIth class marksheet, Xth class certificate, XIIth board eligibility note and rank certificate of competitive examination, were supplied.

2.2 The petitioner having realized her mistake, avers, that as a measure of abundant caution, the application was also dispatched in the physical form via speed post, on 07.10.2013. It is also the stand of the petitioner that with this application, which was sent by post, the Endorsement Certificate was duly appended.

3. The respondents, however, on processing the petitioner's online application, communicated their rejection to the petitioner on 02.08.2014. Since, the rejection communication sent by the respondents itself provided for making of a representation, the petitioner did the needful vide an on-line communication dated 28.08.2014. The aforesaid was followed by yet another representation dated 14.04.2015.

4. Since, the petitioner did not get the requisite response from the respondents, the instant writ petition has been filed in this court. Notice in this petition was issued on 03.08.2015. Since, then, the respondents have filed a counter affidavit.

5. Mr Bhardwaj, who appears for the respondents, says that the only reason the petitioner has been denied Inspire Scholarship is on account of the fact that the on-line application filed by her did not include the Endorsement Certificate. It is also Mr Bhardwaj's stand, based on the affidavit filed, that while a representation with supporting documents was sent by the petitioner, the same was received by the respondents only on 19.08.2014, which is, a date beyond the cut-off date i.e. 10.08.2014.

6. A perusal of the affidavit would show that there is an admission on

the part of the respondents to the effect that on account of an error in the software concerning their on-line procedure, it was earlier indicated that representations could be made till 10.09.2014. It is averred in the counter affidavit filed by the respondents that this error was corrected, to indicate that the cut-off date for submission of a representation was, in fact, 10.08.2014.

6.1 What is, however, not stated in the counter affidavit is, as to when this error was cured.

7. Therefore, what emerges from the stand taken by the respondents, is that, a representation with the endorsement certificate and all other documents concerning the denial of Scholarship was received by the respondents. The respondents, however, contend that the representation was received after the cut-off date i.e. 10.08.2014. As indicated above, the cut-off date earlier communicated for making representations was 10.09.2014. As to when this error was cured, is not indicated by the respondents, a fact which has been noted hereinabove.

8. Be that as it may, it is the stand of the petitioner that a representation in physical form via speed post was sent on 07.10.2013, which is two days after the submission of the on-line application. In these circumstances, in ordinary course, the respondents ought to have received the application sent by the petitioner via post much before the cut off date for submission, which was 09.12.2013.

8.1 The grievance redressal representation made by the petitioner only followed the application sent by post. There is no denial of this fact that the petitioner's application via speed post was not received by the respondents. In these circumstances, it is to be assumed in favour of the petitioner that an

application sent by the petitioner was received by the respondents. I am, therefore, inclined to grant the prayer sought for by the petitioner. It is ordered accordingly.

9. The communication whereby scholarship is denied is held to be illegal and, therefore, the communication dated 02.08.2014 sent in that behalf is quashed. Consequently, the respondents are directed to award the Inspire scholarship for 2013 to the petitioner.

10. The writ petition is disposed of with the aforesaid directions. The needful will be done within four weeks from today. The parties will, however, bear their own costs.

RAJIV SHAKDHER, J

SEPTEMBER 15, 2015

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