IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11635 of 2016

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Sri Nandhanam Educational & Social Welfare Trust having its Registered Office at Nandhanam Nagar, Molagarampatti, Tirupattur, Vellore, Tamilnadu through its Chairman cum authorized signatory PMN. Mohan Krishnaa son of Late PMN. Nanda Gopal, Resident of 344, HIG, Phase I, Tamilnadu Housing Board, P.S. Kandhili, Tirupattur, District Vellore, Tamilnadu.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.
2. The Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.
3. The Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.

.... Respondents

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Appearance :
For the Petitioner : Mr. Pankaj Kumar, Advocate
For the State : Mr. Anjani Kumar, AAG6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 24-11-2016

Petitioner claims himself to be a Trust created with the object of granting technical education etc. through institutions run by it.

2. The reason for filing the writ application is that the State of Bihar is refusing to release funds under the scholarship scheme, despite the institution expressing its interest in the scheme and applying for the same, on hyper technicality.

3. An expression of interest was invited by the State of Bihar from institutions, which are interested in granting education to Scheduled Caste and Scheduled Tribe candidates of the State of Bihar.

An advertisement was issued, response was received. Besides the requirements of the advertisement the institutions interested in registration with the State of Bihar were required to also deposit a sum of Rs.5,00,000/- as refundable security money.

4. Petitioner applied for registration of two institutions. Since the communication was not very precise and clear, as is the stand of the petitioner's counsel, so based on the common letter or communication, a sum of Rs.5,00,000/- was deposited by the petitioner thinking it to be compliance for registration for both the institutions. The State kept silent on the issue. The petitioner did not receive any objection or information from the State Government but all of a sudden, the institution imparting training in polytechnic have been kept out of the zone of consideration for grant of scholarship treating it to be not registered under the State.

5. The requirement for the security money to the tune of Rs.5,00,000/- is obligatory for every institutions. Since the petitioner is a Trust and runs multiple institutions, the communication was made by the State to the Trust. A body which runs such technical educational institutions for decades cannot be given the benefit of doubt on the submission that it was a bona fide mistake based on which only Rs.5,00,000/- was deposited for the two institutions. Since the submission of the security money to the extent of Rs.5,00,000/-

will entitle the petitioner to beget registration only for one institution the petitioner cannot draw advantage on the submission that a bona fide mistake should not come in the way of claiming the funds of scholarship when those students have been granted admission and even taught on the basis of list furnished by the State Government.

6. The State is not incorrect in taking a stand that because of the petitioner himself, the second institution cannot be treated to be duly registered since no security money to the extent of Rs.5,00,000/- was deposited. The claim of the petitioner will only relate to the institution for which money was deposited.

7. The Court is also informed that the petitioner on having come to know of the so called shortfall or omission has deposited a sum of Rs.5,00,000/- but the State counsel points out that this deposit is after much delay. The last day for consideration and registration along with the security deposit was fixed as 30th of August, 2015. The deposit, which the petitioner's counsel is talking about, was made only on 04.04.2016, therefore, the State has not acted upon such deposit.

8. The State, therefore, cannot be compelled to create an obligation upon itself with regard to an institution, which is not validly registered in terms of the advertisement issued by the Department of Scheduled Caste and Scheduled Tribe Welfare of the

State of Bihar. The Court does not find any merit in the case of the petitioner. Writ is dismissed.

9. Petitioner may approach the authorities for refund of Rs.5,00,000/-, which he had deposited at a later date, which will be considered and an appropriate steps will be taken in this regard.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.11.2016
Transmission Date	