

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

**CWP No.10226 of 2015
Decided on : 03.11.2016**

Alka Rani ... Petitioner
Versus
State of Punjab & others ... Respondents

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

Present: Ms.Jigyasa Tanwar, Advocate, for the petitioner.

Ms.Lavanya Paul, AAG, Punjab.

Mr.D.S.Sobti, Advocate, for respondent No.3.

G.S. Sandhawal, J. (Oral)

Petitioner seeks writ in the nature of mandamus, directing respondents No.1 to 3 to reimburse the tuition fee to her as per the scheme of Post Matric Scholarship for Scheduled Castes (Annexure P2) along with interest @ 18% per annum.

It is the case of the petitioner that she belongs to a Scheduled Caste category and had taken admission in the MBBS course with respondent No.3-College, for the year 2003-08. The caste certificate has been appended as Annexure P1, showing that petitioner belongs to 'Ramdasia' category. It is not disputed that petitioner had applied for scholarship on the strength of her caste certificate and she had been asked to remove the defects in the form, as per correspondence dated 15.12.2011 (Annexure P5), issued by respondent No.2-Directorate of Research & Medical Education (DRME), Punjab. As per the said communication, the original

salary certificate, copy of the caste and residence certificate etc. were asked for. It is her case that she had duly complied with the directions within due time but respondent No.2 failed to reimburse the tuition fee. It is further her case that she is suffering from Cancer and her income is being exhausted in the treatment. She wants to pursue Post-Graduate course but does not have the sufficient money for tuition fee etc. The discharge summary has been placed on record to show that she was diagnosed as having Breast Cancer and remained admitted from 23.03.2015 till 04.06.2013 (Annexure P6). The Chemotherapy Order Sheet has also been attached as Annexure P7, in support of her averments.

The defence of the State is only that the petitioner's case was rejected on 12.10.2015 due to the non-production of the income certificate in the prescribed format. It was the case of the State that the last date for submitting the form was 08.08.2011, as per the letter dated 16.06.2011. Reference has also been made to the letter dated 15.12.2011 (Annexure P5) whereby respondent No.2 had circulated a communication to all institutes for addressing the deficiencies in the case of the Centrally Sponsored Post-Graduate Scheme for SC/OBC students, upto 2010-11 and the last date was 08.08.2011. It is the case of the respondents that the petitioner had responded only on 20.11.2013, after 2 years and there was a discrepancy, as such, in the income of the family. In the first application, the income had been

mentioned as Rs.20,000/- but in the affidavit submitted subsequently, the income was shown as 'nil'. All pending cases were considered on 12.08.2014 and rejected.

Nothing has been placed on record by the respondents that there was any further communication, thereafter, or that the petitioner was informed that on what account her case had been rejected. Neither the order dated 12.08.2014 has been placed on record, showing as to what application of mind was there on account of which the petitioner's case was rejected.

In such circumstances, this Court is of the opinion that the issue requires reconsideration at the hands of respondent No.2, subject to completion of formalities by the petitioner, without being bound by the cut off date. The said respondent shall re-decide the case of the petitioner for grant of the Post Matric Scholarship, as per her entitlement and as per the rules prevailing, at that point of time, within a period of 3 months from the date of receipt of the certified copy of this order. It will be open to the said respondent to ask for the concerned certificates and the same shall be furnished by the petitioner after being informed of the requirement by respondent No.2.

Writ petition stands allowed, in the above-said terms.

OCTOBER 3rd, 2016

sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No

(G.S. SANDHAWALIA)
JUDGE