

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

**CWP No.447 of 2016 (O&M)
Date of Decision:26.04.2017**

Himani Aggarwal

.....Petitioner

Vs.

Guru Ramdas School of Planning and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Saurav Verma, Advocate for the petitioner.

Mr. Amrit Paul, Advocate for respondents No.1 and 2.

Mr. Vaibhav Gupta, Advocate for Mr. K.K. Gupta,
Advocate for respondent No.3.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed for seeking a direction to respondents No.1 and 2 to submit the details of the petitioner with online portal of respondent No.3, for grant of scholarship/stipend, on having cleared GATE exam, in order of merit.

The petitioner after completing the B.Tech Course, desired to take admission in Masters Degree, appeared in the All India Graduate Aptitude Test in Engineering, (GATE) 2014 and secured All India 237 Rank. The petitioner got admission in the Masters of Planning (Infrastructure) in the department called Guru Ramdas School of Planning, Guru Nanak Dev University. According to the petitioner, as per the AICTE scholarship Rules, the GATE qualified candidate is eligible for scholarship/stipend. She has alleged that the Ministry of Human Resource Development, Department

of Higher Education, Technical Section-I, vide its letter dated 18.2.2015 revised the rates of scholarship/stipend applicable for the course of M.Tech to ₹28,000/- from ₹18,000/- per month. The petitioner had applied to the Department on 7.8.2014 for the grant of scholarship/stipend. After submitting the application, the petitioner has been regularly asking respondents No.1 and 2 for filing the details of the students in the AICTE Internet Portal and were required, thereafter, to give unique ID to the respective students so that they may apply online, to be authenticated later by the Institute, but no suitable answer was given. Hence, this petition has been filed with a prayer which has been mentioned in the beginning of this order.

After notice, the respondents have filed their respective replies. Counsel appearing on behalf of respondents No.1 and 2 has submitted that the petitioner had taken admission in Masters of Planning (Infrastructure) in the Department of the University which is not approved by AICTE and in this regard, he has referred to document Annexure R1/3 in which the courses approved by Guru Ramdas School of Planning are specifically mentioned i.e. B.Tech. (Urban & Regional Planning), M.Tech (Urban Planning) and Master in Planning (Infrastructure) and are also depicted by way of a chart which is reproduced as under:-

Course Name	Duration (Years)			Reserved Categories			
				SC/ST	BC	RA	Others
M.Tech. (Urban Planning)	2	Semester	23 (10+5*+8**)	2	1	1	1
Master in Planning (Infrastructure)	2	Semester	20 (15+5*)	3	1	1	2

The case of respondents No.1 and 2 is that the M.Tech which is

a technical course is approved by the AICTE, therefore, it is prescribed that 8 seats out of total 23 seats would be given to the GATE qualified candidates. He has further submitted that so far as Master of Planning (Infrastructure) is concerned, there are total 20 seats out of which 5 seats are reserved as sponsored seats by the industries. It is, thus, submitted that since Master of Planning (Infrastructure) course offered to the petitioner is not covered by the AICTE, therefore, no seat is reserved for the GATE qualified candidate. It is further submitted that the petitioner, therefore, did not take admission for the purposes of qualification of GATE but competed in the online Entrance Test in pursuance of admission noticed attached as Annexure R.1/1 in which the last date for receipt of on-line application form was from 06.06.2014 to 30.06.2014 for the Masters Level Courses. It is further submitted that merely because the Head of the Department of respondent No.1 had inadvertently referred the case of the petitioner to the University for the purpose of grant of GATE scholarship would not confer a right to the petitioner to claim the scholarship/stipend which is only to be paid in case the petitioner is undertaking a course approved by the AICTE and had taken admission on account of score in the GATE. Counsel for the respondents has relied upon a decision of the Supreme Court in the case of **Maharshi Dayanand University v. Surjeet Kaur, 2010(11) SCC 159** to contend that if the Rules and Regulations do not allow a particular thing to happen in a particular manner then it cannot be defeated merely because of an error on the part of the Department accepting the prayer of the student and proceed with his case.

I have heard both counsel for the parties and after examining

the available record, am of the considered opinion that there is no merit in this petition for the purpose of interference because the petitioner has failed to show that she had taken admission in the course which is approved by the AICTE rather the whole case of the petitioner is that she had taken admission in the Institution approved by the AICTE. The argument of the petitioner is totally fallacious because the University has to only disburse the scholarship/stipend which has to be paid by the AICTE especially when the students take admission to a technical course approved by the AICTE and have taken admission on the strength of the score of the GATE. The very fact that no seat has been reserved for the course of Masters of Planning (Infrastructure) to which the petitioner took admission, for the GATE qualified candidates and there is a course in the same Department, namely, M.Tech Urban Planning in which students' seats have been reserved for the GATE qualified candidates, would itself distinguish the case of the petitioner for denying the prayer made by her for the grant of GATE scholarship/stipend. Even otherwise also, the petitioner has not taken admission in the Masters Degree Course on the basis of GATE score but had taken Entrance Test and has got the admission on the basis of the marks obtained in the said competition.

With these observations, the present petition is found to be without any merit and the same is hereby dismissed.

April 26, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No