

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.224 of 2017

In

Civil Writ Jurisdiction Case No.15143 of 2015

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1. Rahul Deo, Son of Sri Ishwar Prasad, resident of Mohalla - Kalisthan, Hisua, P.S. Hisua, District - Nawada
 2. Kumar Ritesh, Son of Late Ramesh Prasad, resident of Mohalla - Kuawan, P.S. Bara Chakia, District - East Champaran
 3. Rahul Vicky, Son of Ashok Kumar, resident of Mohalla - Bari Pahari, Mansoor Nagar, Sohsarai, P.S. Sohsarai, District - Nalanda, Currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar 800001
 4. Sumit Kumar Suman, Son of Sudhir Kumar Suman, resident of Mohalla - Manserpur, Thana - Ballia, District - Begusarai, PIN - 851211, Currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar 800001
 5. Uma Kant Kumar, Son of Om Prakash Gupta, resident of village + P.O. Pratappur, P.S. Sandesh, District - Bhojpur, PIN 802161, Currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar 800001
 6. Prashant Kumar, Son of Satish Kumar Nirala, resident of Mohalla - Near Ramadhin College, Dakbanglaw, Girihinda, P.O. Sheikhpura, P.S. Sheikhpura, PIN 811105, Currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar 800001

... .. Appellant/s

Versus

1. The State of Bihar through its BC/EBC, Secretary, Secretariat, Patna, State - Bihar
2. The District Welfare Department, Gandhi Maidan, Patna, State - Bihar
3. The Chanakya National Law University through its Registrar, Bihar at Patna

... .. Respondent/s

Appearance :

For the Appellants : Mr. Sumeet Kumar Singh, Advocate.
For the Respondents : Mr. Durgesh Nandan – A.A.G. 14
Mr. Jitendra Kumar, A.C. to A.A.G. 14
For the CNLU : Mr. Anshuman, Advocate.
Mr. Sanjay Kumar, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 25-09-2018

The petitioners who were erstwhile law students,
pursuing their studies in Chanakya National Law University



(CNLU) at Patna have approached this Court by way of C.W.J.C. No.15143 of 2015 seeking an appropriate writ for a direction to the District Welfare Department, Bihar at Patna for giving scholarship amounting to the tuition fees for the year 2013-14 and 2014-15 to them as they belong to the B.C./E.B.C. category in view of the Resolution No. 427 of the Government of Bihar dated 04.03.2014 as well as for a direction to the department to give scholarship to them within the stipulated period without any delay.

2. A perusal of the resolution referred to above clearly reflects that the upper limit of scholarships under various categories has been prescribed and maximum scholarship which could be paid has been fixed at Rs. 15,000/-. Later the Welfare Department again issued a Resolution No. 1181 dated 07.07.2014 sanctioning scholarship to students of B.C./E.B.C. category studying in Government and recognized non-governmental institutions inside or outside the State at the rate prescribed in the Government Institutions in the concerned States. There was a rate renewal for the year 2013-14 also.

3. For sanctioning of scholarships to B.C./E.B.C. students studying law for the year 2014-15, actual educational and compulsory fee in Patna Law College of Patna University was taken as the model and the same



was followed for students of Chanakya National Law University.

4. It has been asserted on behalf of the respondents that the original writ petitioners/appellants were paid the admissible scholarship amount in accordance with the resolution of the department for 2013-14 and 2014-15. The learned Single Judge did not agree with the submission of the writ petitioners that the State is bound to provide 100% tuition fee and other compulsory fee to them but they are to be paid only to the extent of Rs. 15,000/-. Perhaps the original writ petitioners were of the view that resolution dated 07.07.2014 enjoined upon the welfare department to pay 100% tuition fee and other compulsory fee to the students of Chanakya National Law University, Patna, which impression was unfounded.

5. We have examined the order impugned and have also heard the submissions made on behalf of the parties. We do not find any infirmity or illegality with the order of the learned Single Judge who has held that there has to be some consistency and parity with other Institutions and Law colleges run by the state in matters of scholarship and this aspect has to be seen with a caveat that the State has limited resources. The circular in question has to be read in conformity with the objective for bringing out such resolution.



6. We do not therefore find any reason to interfere with the order passed by the learned Single Judge.

7. The Letters Patent Appeal is dismissed but with no order as to costs.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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