

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11645 of 2016

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Sri Nandhanam Educational & Social Welfare Trust having its registered Office at Nandhanam Nagar, Molagarampatti, Tirupattur, Velore, 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, Tamil Nadu

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
For the State : Mr. Udai Bhan Singh, A.C.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-11-2018 Heard learned counsels for the petitioner and the respondent-State.

The present writ application has been filed for a direction to the respondent authorities to pay tuition fee, hostel fee along with other miscellaneous charges for thirteen students for the academic sessions 2015-16 in different engineering courses under the Post-Matric Scholarship Scheme in Sri Nandhanam College of Engineering and Technology.

It is submitted by learned counsel for the petitioner that the petitioner's Trust was registered under S.R.O. Tirupattur, which was formed for imparting technical education



to the students. The Trust of the petitioner has been granted approval by the All India Council for Technical Education (AICTE) and it is affiliated with Anna University, Chennai. The present writ application has been filed through its Chairman-cum-Authorized signatory, Mohan Krishna for providing free education to SC/ST students. The SC/ST Welfare Department, Govt. of Bihar, for empanellment of private institutions, running technical, vocational and professional courses, had invited Expression of Interest under the Post Matric Scholarship Scheme, for empowering the SC/ST community through technical and professional knowledge. In pursuance to the same, the petitioner's Trust obtained expression of Interest document after payment of required fee and submitted a duly filled up application along with a demand draft of Rs.35,000/- as required under the Expression of Interest. Subsequently, the proposal of the petitioner's Trust was accepted and the College was listed at Srl. No. 236 in the 2nd Provisional List of empanelled institutions published on its Website. Thereafter, Respondent No.3, vide letter dated 28.07.2015 sought consent from the empanelled institutions by 03.08.2015, whereby, a demand draft of Rs. 5,00,000/- was asked to be deposited if the institution is agreeable to the terms and conditions, which was deposited by



the petitioner's Trust. In the meantime, in pursuance to the direction of the SC/ST Welfare Department, 13 students belonging to SC/ST were recommended for admission, who were subsequently admitted. But even after completion of academic year 2015-16 and despite completing every formalities and requirements prescribed by the Department, the Department has failed to provide the tuition fee, hostel and mess charges along with other miscellaneous charges under the Post-Matric Scholarship Scheme to the said college. Hence, the present writ application.

It is further submitted that from the counter affidavit filed on behalf of Respondent No.2, the Director, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, it is apparent that the petitioner's Trust was selected for taking admission of 13 students for imparting technical education. There is no dispute with regard to the technical education being provided to them. However, it is mentioned that out of thirteen students, one student's scholarship payments have been transferred in the Bank Account of the petitioner's Trust and it is further mentioned that for tuition fee, hostel fee and other charges with regard to remaining students, the required amount will be transferred in the bank account of the



petitioner's Trust in due course.

It is submitted by learned counsel for the respondent-State that there is no dispute with regard to 13 students who were recommended for admission for imparting technical education, however, out of 13 students, payments of one student has been transferred to the bank account of the petitioner's Trust. He further submits the payment of rest students will be made in due course.

Considering the rival submissions of the parties, there is no dispute with regard to 13 students, who were admitted to the institution of the petitioner in order to impart technical education and the claim of the petitioner with regard to payment of tuition fee, hostel fee and other charges, as detailed at paragraph no. 12 of the writ application, which has not been controverted by the respondent state, rather it has been admitted in paragraph nos.7 and 8 of the counter affidavit to the effect that with regard to one student, the required fee has been transferred and with regard to remaining students, the required fee will be transferred in due course. Paragraph Nos. 7 and 8 of the counter affidavit read as under :-

“7. That as per the reports received from different relevant districts of Bihar, so far, payment of scholarship is already made to 01 students of Madhubani district out of



total 13 students in the aforesaid writ through RTGS/NEFT in his institution's given bank account and for 01 students of Sitamarhi, letter No.599 dated 06.09.2016 is sent to Bank from DWO Sitamarhi for RTGS/NEFT of same.

8. That speedy distribution of scholarship amount to remaining 11 students out of 13 in total as per rule, by the concerned districts is being ensured vide departmental letter No. 5432 dated 20.09.2016. In due course of time, admissible fees will be transferred through RTGS/NEFT in institution's given bank account of all the remaining students of aforesaid writ."

In the circumstances, the respondent authorities are expected to expedite payment of admitted fee under the Post Matric Scholarship Scheme to the petitioners' Trust, as per prescribed Rules as well as in view of the admission made in paragraph nos. 7 and 8 of the counter affidavit, as quoted above, within a period of six weeks, on receipt/production of a copy of this order.

Accordingly, the writ application is disposed of with the observation and direction aforementioned.

(Dinesh Kumar Singh, J)

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