

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6133 of 2018

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Dr. Kumar Industrial Training Institute, Bahadurpur Bagicha, Bazar Samiti
P.S. Bahadurpur, Rajendra Nagar, Patna through its Principal namely Krishna
Prasad son of Late Bhola Prasad resident of Adivasi Colony, Gulzarbagh P.S.
Gulzarbagh, District – Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar represented through Chief Secreatry, Govt. of Bihar,
Patna.
2. The Secretary Scheduled Castes and Scheduled Tribes Welfare Department
Govt. of Bihar, Patna.
3. The District Welfare Officer, Patna.
4. The Union of India, through the Secretary, Ministry of Social Justice and
Empowerment, Shastri Bhawan, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh Mr. Dhananjay Kumar
For the Respondent/s	:	Mr. Gyan Shankar, AC to GP-2

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 13-09-2018 The petitioner claims that it imparts I.T.I. course to students including those who belong to Scheduled Castes category. Fifteen such students were admitted during the Session 2014-15 in the institute. Under the Welfare Scheme, such students belonging to Scheduled Castes are entitled for post Matric Scholarship which amount ought to have been released in favour of the petitioner. It has been claimed that the petitioner did not charge any kind of fee from the students belonging to Scheduled Caste category in view of the scheme of the State Government for grant of scholarship and the State



Government has failed to release necessary fund against scholarship in favour of the petitioner. The question as to whether such institutions can maintain writ application seeking kind of direction as being sought in the present writ application had fallen for consideration before this Court in case of ***Kusum Raj Pvt. Industrial Training Institute vs. the State of Bihar*** (C.W.J.C. No. 4274 of 2017), which came to be disposed of by an order dated 10.01.2018 with the following observation:-

“The matter relates to grant of post matric scholarship to the students belonging to Scheduled Castes. If the State Government is not releasing the fund for payment of scholarship, the beneficiary could have a grievance and not the Institution.”

In that view of the matter, the petitioner cannot raise a grievance of non-release of post Matric Scholarship.

However, the Court in case of ***Kusum Raj Pvt. Industrial Training Institute*** (supra) had passed following order considering the best interest of the students belonging to the Scheduled Caste category:-

“Considering the best interest of the students belonging to Scheduled Castes category, I dispose of the writ application with an observation that Respondent No.2 shall ensure that the amount of scholarship which is due, is



released in favour of the students in accordance with the scheme keeping in mind the Court's decision dated 15.12.2016, passed in CWJC No. 11305 of 2016. The Respondent No.2 shall be obliged to ensure compliance of the present order within two months from the date of receipt/presentation of a copy of this order."

This writ application is also disposed of with similar direction. A counter affidavit has been filed on behalf of the State stating therein that as a follow up action the Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, has resolved to release fund in favour of the individual students.

This application is accordingly disposed of with a direction to the Department to ensure that the amount, which the individual students are entitled to, are released in their favour and credited in their respective accounts expeditiously.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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