

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.4624 of 2012

ORDER:

Neither is Sri P. Narasimha, learned counsel for the petitioners, present nor is there any representation on his behalf.

The relief sought for in the Writ Petition is to declare para-10 of Memo dated 1.11.2011, prescribing the maximum eligible age as on 1.7.2011 for applying for scholarship, as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India. A consequential direction is sought to the respondents to release grant towards fee exemption to the petitioners, in respect of courses that they are studying, in terms of the undertaking given by the Government at the time of their admission into the respective courses.

Para-10 of the Memo dated 1.11.2011 stipulates the maximum eligible age as on 1.7.2011 for various courses, and are as given in the table. Thereunder, while the maximum age for the economically backward classes/minorities/disabled for intermediate course is 20 years, for SCs, STs and backward Classes, it is 24 years. For Graduation, while the maximum age is 25 years for the economically backward classes/minorities/Disabled, for SCs, STs and backward classes, it is 29 years. Likewise, for PG and above, 30 years and 34 years are prescribed as the maximum age. This maximum age is prescribed for grant of Scholarships. The petitioners' contention is that prescription of maximum age, on the cut off date of 1.7.2011, is arbitrary and illegal.

Grant of Scholarship is a concession extended by the Government to certain sections of students. The prescription, of an upper age limit for grant of such concession, is evidently to ensure that only students, below the maximum age, are alone extended the benefit of Scholarship.

What should be the maximum age limit, upto which scholarships should be granted, are all matters of policy in the Executive realm. In policy matters such as these, where the Government grants scholarships to needy students, this Court would not interfere with the prescription of a maximum age, save violation of Part-III of the Constitution. The burden lies heavily on the petitioners to show that the prescription of a maximum age is so arbitrary as to violate Article 14 of the Constitution of India. Except for a bare averment that, prescription of a maximum age limit as on 1.7.2011, is arbitrary, no reasons are discernible from the writ affidavit as to basis on which the petitioners claim is founded that it violates Article 14 of the Constitution of India. I see no reason, therefore, to interfere in the exercise of the extraordinary jurisdiction of this Court, under Article 226 of the Constitution of India, with such a policy decision of the State Government.

The Writ Petition fails and is, accordingly, dismissed. Miscellaneous petitions, pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

8th June, 2018

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Date: 8.6.2018

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