

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.97 of 2019

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Jiutbandhan Kumar Gond S/o Shree Bhagwan Prasad Resident of Mohalla-
Ward No. 4, Itarhi, P.S. Itarhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Social and Welfare Department, Bihar at Patna.
2. The Secretary, the Scheduled Caste and Scheduled Tribe Welfare Department, Bihar Patna.
3. The Director, Social and Welfare Department, Bihar at Patna.
4. The Collector, District of Buxar at Buxar.
5. The Vice Chancellor, Maulana Abul Kalam Azad University of Technology, West Bengal.
6. The Principle, JIS College of Engineering Block- A Phase III Kalyasai Nadia West Bengal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Respondent/s : Mr.S.K. Mandal- Sc3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 15-05-2019

The present writ petition has been filed for directing the respondents to provide Post Matric Scholarship to the respondent College, to publish the result of the petitioner of the sixth Semester of Mechanical Engineering Stream and for directing the respondent-College to conduct special examination for the seventh Semester of Mechanical Engineering Steam.

2. The brief facts of the case, according to the petitioner, is that the petitioner belongs to SC/ST category and has passed the intermediate examination in Science. In pursuance to a notice



published by the SC/ST Welfare Department Buxar dated 15.7.2015, inviting applications from students of scheduled caste and scheduled tribe to study for technical, commercial and professional course in private institution under the Post Matric Scholarship, the petitioner had submitted his application and appeared for counselling. Thereafter, the petitioner had participated in the admission cum loan mela and he was granted provisional allotment letter dated 28.8.2015, for pursuing the B.Tech Mechanical Course in JIS College of Engineering Nadia, West Bengal, whereafter, the petitioner had taken admission in the said College in the year 2015 in the B.Tech Mechanical Course pertaining to the Session 2015-19 and subsequently, he was allotted registration number under the Maulana Abul Kalam Azad University of Technology, West Bengal. The grievance of the petitioner is that the Bihar Government is not releasing the scholarship money in favour of the JIS College, hence, the petitioner is not being allowed to appear in the sixth and seventh semester examination of B.Tech Course.

3. The learned counsel for the Respondent-State of Bihar has submitted that the scholarship amount, as per the PMS Scheme has already been settled qua the petitioner herein for the



remaining session 2015-16 to 2017-18 in view of the Government of Bihar notification issued by the Schedule Caste and Schedule Tribe Welfare Department, as can be found at Annexure C to the counter affidavit.

4. Per contra, the learned counsel for the petitioner has submitted that the total outstanding fees qua the petitioner herein of the JIS College of Engineering is Rs. 5,39,800/- and nothing has been paid by the Government of Bihar to the said College. It is further submitted by the learned counsel for the petitioner that the respondents are not acting in terms of the office order dated 28.7.2015 issued by the SC/ST Welfare Department, Government of Bihar.

5. The authorities of the State of Bihar, especially the respondent nos. 1 to 3, have filed a supplementary counter affidavit wherein it has been stated that a fresh report was called for from the District Welfare Officer, Buxar who has stated that the scholarship amount for the year 2017-18 was sent to the bank account of the petitioner, but on account of certain defects, the said amount had been returned, however, the same has been credited to the account of the petitioner through NEFT on 7.5.2019.

6. The learned counsel for the respondents has submitted



that the office order dated 28.7.2015 issued by the SC/ST Welfare Department, Government of Bihar was only made for empanelment of the institutions and the same did not prescribe the scholarship amount to be paid to the enrolled students whereas the scholarship amount required to be paid to the enrolled students is mentioned in the resolution of SC/ST Welfare Department, Government of Bihar dated 16.5.2016 (Annexure-3 to the counter affidavit, placed at running page no. 38 of the writ petition) and the maximum payable amount of scholarship has been mentioned in the chart prescribed in the said resolution dated 16.5.2016, according to which the scholarship amount has already been paid to the petitioner herein.

7 I have heard the learned counsel for the parties and gone through the records of the case and I find that it is not disputed by the petitioner that the scholarship amount has already been paid to the petitioner as per the schedule mentioned in the resolution of the SC/ST Welfare Department, Government of Bihar dated 16.5.2016, hence, reliance on the office order dated 28.7.2015 issued by the SC/ST Welfare Department, Government of Bihar, Patna is misplaced inasmuch as the said office order pertains to empanelment of the institutions, whose



students would be entitled for grant of scholarship amount and does not provide the schedule of the scholarship amount to be paid to the enrolled / empanelled students belonging to the SC/ST category. In such view of the, this Court cannot issue any mandamus, contrary to the policy decision of the State of Bihar, as postulated in the resolution of the SC/ST Welfare Department, Government of Bihar, Patna dated 16.5.2016, according to which the petitioner has already received the scholarship amount, thus, I do not find any reason to entertain the present writ petition, accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.5.2019
Transmission Date	NA

