

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11287 of 2019

1. Ajit Kumar Das, Son of Sri Dhirendra Das Resident of Village- Mozure, P.S.- Channan, District- Banka.
2. Sidharth Kumar Gautam, Son of Sri Bharat Das Resident of Village- Nadiah, P.S.- Khinzarsarai, District- Gaya.
3. Shanshank Shekhar, Son of Sri Sanjay Kumar Resident of Village- Arispur, P.S.- Kodhani, District- Muzaffarpur.
4. Rajesh Kumar, Son of Sri Manu Choudhari Resident of Village- Nai Sarai, P.S.- Biharsharif, District- Nalanda.
5. Vinay Kant Nirala, Son of Sri Ram Bilas Prasad Resident of Village- Kosari, P.S.- Mohania, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Welfare, Government of Bihar, Near Patna Airport, Patna.
4. The Principal Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.
5. The Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.
6. The District Magistrate, Banka.
7. The District Magistrate, Gaya.
8. The District Magistrate, Muzaffarpur.
9. The District Magistrate, Nalanda.
10. The District Magistrate, Kaimur.
11. The District Welfare Officer, Banka.
12. The District Welfare Officer, Gaya.
13. The District Welfare Officer, Muzaffarpur.
14. The District Welfare Officer, Nalanda.
15. The District Welfare Officer, Kaimur.
16. JIS College of Engineering, JIS Campus, Block A, Barrackpore, Kalyani Expy, Nadia, Phase III, Kalyani, West Bengal 741235.
17. Maulana Abul Kalam Azad University of Technology, BF 142, BF Block, Sector 1, Bidhannagar, Kolkata, West Bengal 700064.
18. The Registrar, Maulana Abul Kalam Azad University of Technology, BF 142, BF Block, Sector 1, Bidhannagar, Kolkata, West Bengal 700064.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate
For the Respondent/s : Mr.S.K. Mandal (SC-3)
Ms. Neelam Kumari, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 16-09-2019 The petitioners have filed the present writ petition raising grievance that despite generating hope and expectation by the respondent-State in the matter of providing scholarship and stipend for higher studies, the respondents have resiled from their promise and as such the petitioners have been defrauded by the respondents.

The respondent-State has filed counter affidavit in which they have taken the stand that the Bihar Government launched the scheme for SC/ST to make them competent on educational level for those students who are desirous to pursue studies in BE/B.Tech. Course and who have passed their 12th examination. In para-8 stand has been taken that the Director, SC/ST Welfare Department has advertised for the applicants who were declared successful for admission in JIS College of Engineering. With reference to memo no. 4061 dated 16.05.2016, it has been submitted that the benefit is only available to candidates of SC/ST category. Paras 12 to 15 and 18 of the counter affidavit is quoted below:-

“12. That it is further submitted that the



circular and Sankalp of the Central Government or the State Government are well known to all the Institution in this country and mode of payment of these stipend or tuition fee is also known to all concerned so far as the petitioner no. 03 namely, Shashank Shekhar is concerned, he was admitted in J.I.S. College of Engineering, Kolkata, West Bangal for this session 2014-18 and initial stage in the session 2014-15 the petitioner no. 3 was paid rupees 90,000/- as tuition fee and rupees 10,800/- as stipend.

13. That it is further submitted that due to change in state policy of the department tuition fee for the year 2015-16 was fixed and settled rupees 600/- and amount of stipend fixed at rupees 14,400/- total amount 20,400/- per annum and accordingly the said amount was paid to the petitioner no. 3 through RTGS.

14. That it is further submitted that the petitioner no. 3 and the authority of college concerned did not send any information regarding this student due to which the tuition fee and the stipend amount could not be sent to the petitioner for the session 2016-17 for his own fault but for the session 2017-18 the tuition fee amount Rs. 6,000/- as well as stipend amount for rupees 14,400/- total



amount 20,400/- was paid to the petitioner.

15. That is made it clear that the government is only entitled to pay to the concerning student the amount of tuition fee and stipend amounting to rupees 14,400/- per annum and the college authority 1st set engineering is also aware of the fact that the Government is only entitled to pay the aforesaid amount and nothing. Moreover the Government of Bihar is not bound to pay the amount charged the educational Institution rather the stipend/tuition fee of the petitioner is payable according to the rate of tuition fee as fixed by the Government of State concerned. Under such circumstances the writ petition filed by the petitioner including the petitioner no. 3 is devoid of merit and is fit to be dismissed.

18. That in response to the allegation of the petitioner mind in the paragraph no. 12, it is submitted that these respondents are only liable to pay tuition fee and stipend amount to Rs. 100800 per annum to the petitioner no. 03 in the first session to last session, they are liable to pay Rs. 6000/- as tuition fee and Rs. 14400/- as stipend, and the said amount have been paid by these respondents except for the session 2016-17 due to latches on the part of the petitioner as well as the said institution concerned.”



Mr. Sunil Kumar Mandal, learned counsel appearing on behalf of the State would submit that there may be many people who have misconstrued the policy of the State Government.

Considering the submission of the parties, the Court is not in a position to grant any positive direction. However, liberty shall be available to the petitioners if they have been misled in the process of generating hope and expectation by the respondents in the matter of grant of scholarship and stipend, to approach the SC/ST Commission.

So far as the respondents are concerned, they are under obligation to educate the people and publish in news papers both State level and National Level the exact policy (SC/ST) so that one may not undertake higher studies courses in anticipation of such scholarship and stipend and ultimate get frustrated.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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