

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.6749 of 2019
Date of decision:-13.03.2019

Inderjeet Singh

.....Petitioner

versus

Union of India

.....Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Aman Dhir, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

In terms of letter dated 09.07.2018 (Annexure P-3) issued by the Government of India, Ministry of Social Justice and Empowerment, the petitioner was awarded a National Overseas Scholarship, for pursuing his Ph.D in subject of Analysis of TRPC Channel Activation at Ludwig Maximilians University, Munich- Germany.

Instant writ petition is directed against the communications dated 15.11.2018 and 04.01.2019 appended as Annexures P-8 and P-10 respectively and in terms thereof the request of the petitioner for change of the University/Supervisor, has been declined and the petitioner has been advised by the Ministry concerned to return to India.

Counsel representing the petitioner would argue that the action of the respondent authorities in not having acceded to his request for change of Guide/Supervisor as also the University, is unjust and arbitrary. Reliance has been placed upon an E-mail dated 09.07.2018 at Annexure P-4 authored by the Supervisor/Guide in question to contend that he had described the petitioner to be highly talented and further observations were

made that he had the potential of making a successful career in science. Further urged that the Ministry of Social Justice and Empowerment, has informed the petitioner vide communication dated 29.08.2018 at Annexure P-6 that the Consulate General of India, Munich-Germany, had communicated to the Ministry that it is on account of behaviour and work attitude problems of the petitioner that the University has taken a decision to stop the Ph.D.project. It is vehemently argued that such adverse comments as regards behaviour of the petitioner as also work attitude problems are wholly unfounded and baseless. As a matter of last resort, counsel would submit that the instant petition be treated as a mercy petition and the prayer of the petitioner for change of Guide/University be accepted and necessary directions be issued in such regard to the respondent authorities.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that prayer made in the instant petition cannot be accepted.

Petitioner concededly had applied for the National Overseas Scholarship for higher studies abroad for the selection year 2016-17, for the Scheduled Castes category in pursuance to an advertisement issued by the Ministry at Annexure P-1. Perusal of the advertisement would reveal that there was a separate section under the heading of ***Mandatory Conditions***. Clause xv of the ***Mandatory Conditions*** reads as follows:-

“ The candidates shall not change the course of study or research for which scholarship has been sanctioned. However, when situations arise where an awardee pursuing Ph.D in a university/institution where one is initially registered

with finds his/her guide has left and there are no immediate replacements thereof or the university/institutions has discontinued the research support facilities in the area where the awardee was pursuing Ph.D. research; the Indian Missions abroad in such cases are authorized to allow the awardee to change the university/institution as notified in the Scheme, after the Missions are satisfied about such a need, however, subject to the condition that the credits if any earned by the awardee in the initial university/institution are accepted for transfer by the second university/institution and that the total period of award will remain unchanged even on such a transfer/change, which will be permitted only once during the award.”

The specific mandatory condition reproduced hereinabove identifies the situations under which an awardee pursuing Ph.D. may be permitted a change in University/Supervisor i.e. (i) where the Guide/Supervisor has left and there is no immediate replacement thereof and (ii) the University/Institution having discontinued the research support facilities in the area where the awardee was pursuing the Ph.D. research.

The prayer of the petitioner for change of Guide/Supervisor as also the University clearly does not fall in the afore-noticed two eventualities.

That apart even the letter dated 09.07.2018 (Annexure P-3) in terms of which the National Overseas Scholarship, had been awarded to the petitioner contained a categorical embargo under Clause 2 and which was worded as follows:-

“You are not allowed to change the University. The candidate

shall not change the course of study or research for which scholarship has been sanctioned.”

The petitioner having accepted the National Overseas Scholarship, vide letter dated, 09.7.2018, (Annexure P-3) would clearly be bound by the terms and conditions contained therein. As per the relevant condition reproduced hereinabove and which formed part and parcel of the letter awarding the National Overseas Scholarship in favour of the petitioner, the prayer for change of Guide/University, is not tenable.

It would also be apposite to take note that in the letter dated 09.07.2018 (Annexure P-3), awarding the National Overseas Scholarship, to the petitioner, there is a repeated reference to certain Regulations governing the scheme pertaining to the selection year 2016-17. In the letter dated 09.07.2018 (Annexure P-3), the petitioner was called upon under different clauses to strictly adhere to such Regulations. For reasons best known to counsel, such Regulations have neither been placed on record nor have been adverted to, during the course of arguments. The only inference that this Court can draw is that the Regulations for the selection year 2016-17 do not support the claim and prayer raised in the petition.

For reasons recorded above, no merit is found in the instant petition.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

13.03.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No