

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3420 OF 2021

Neha Vitthal Sutar and another	...	Petitioners
Vs.		
Union of India through the Secretary, Department of School Education and Literacy and others	...	Respondents

Mr. Kalpesh U. Patil i/b. Mr. Vivek Rane for Petitioners.
Mr. Ajinkya Badar for Respondent No.1-UOI.
Mrs. P. J. Gavhane, AGP for Respondent Nos.2 to 5-State.
Mr. Pratik B. Rahade for Respondent No.6-School.

**CORAM : R. D. DHANUKA &
R. N. LADDHA, JJ.**

DATE : DECEMBER 08, 2021

P.C. :-

Rule. Mr. Badar, learned counsel waives service for respondent No.1; Mrs. Gavhane, learned AGP waives service for respondent Nos.2 to 5; and Mr. Rahade, learned counsel waives service for respondent No.6. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek writ of mandamus against the respondents to pay an amount of Rs.24,000/- towards the scholarship amount for the years 2018-2019 and 2019-2020 to petitioner No.1 and Rs.12,000/- for the year 2019-2020 to petitioner No.2 under the National Means-cum-Merit Scholarship Scheme. The petitioners further seek a writ of mandamus directing respondent No.1 to accept the application for scholarship of petitioner No.1 for the years 2020-2021, 2021-2022 and 2022-2023 under the said Scheme. The petitioners also seek a writ of certiorari *inter alia* praying for quashing and setting aside of the letter dated 28.08.2020 issued by respondent No.1.

3. Respondent No.1 has launched a scheme viz. National Means-

cum-Merit Scholarship Scheme under which students belonging to economically weaker families are eligible to appear for such exam. Both the petitioners passed their respective exams and became eligible for the said scholarship. Petitioners attempted to register online application through the authorized person of the school but could not register due to some technical glitch as the name of the school was not available for selection on the portal.

4. School of the petitioners informed respondent Nos.4 and 5 *vide* letter dated 12.10.2018 and 30.08.2019 by mentioning their user ID and password as also the problem faced by them including non-availability of their names on the portal for registration.

5. Respondent No.2 informed the petitioner on 27.08.2019 that the issue raised by the petitioners had been forwarded to respondent No.5 for taking necessary action. On 31.01.2020, school of the petitioners submitted offline information of the petitioners *vide* letter dated 05.10.2018 to respondent No.5. The petitioners also made various representations separately to the respondents. Respondent No.1 *vide* letter dated 28.08.2020 informed the petitioners that it was the responsibility of the school to add name of the student and also the school name was then available on the NSP portal.

6. On 29.10.2020, the school replied to the letter dated 28.08.2020 of respondent No.1 and pointed out the problems faced by their school and non-availability of name of the school on the NSP portal.

7. Learned counsel for the petitioners invited our attention to various correspondence annexed to the petition including the correspondence addressed by the school to NSP Registration, Delhi pointing out that name of the school was not shown on the NSP portal regarding scholarship claim of the petitioners. He also pointed out that the Education Officer (Secondary) had written a letter to the Headmasters of

all the schools informing that the application could be made offline also, by a particular date, for the academic year 2017-2018.

8. Perusal of the record indicates that there was no response to the letters addressed by the school to the Education Officer pointing out the problem viz. name of the school not appearing on the NSP portal. As a result of such communication gap, name of the school remained to be reflected on the portal, online.

9. Union of India accordingly took a stand that since name of the school was not reflected on the portal within the original period prescribed as well as within the extended period, scholarship claim of the petitioners could not be considered.

10. The eligibility of the petitioners to claim scholarship is not even disputed by any of the respondents. The scholarship however could not be paid to the petitioners merely on the ground that name of the school i.e., respondent No.6 could not be reflected on the portal for payment. Various correspondence placed on record by school would indicate that the State Government was made aware of the problem faced by the school as to why name of the school was not reflected on the portal. There was no response to those correspondence addressed by the school. In our view, the students cannot be deprived of their entitlement to get scholarship announced by respondent No.1 for no fault of theirs. The Scheme was announced for the benefit of economically weaker families. It is not in dispute that both the petitioners fell under the said criteria of economically weaker families.

11. We accordingly direct the State Government to send the proposal for payment of scholarship of the petitioners to the Union of India within four weeks from today without fail with a copy to be served upon the petitioners' counsel. Upon receipt of such proposal by Union of India from the State Government, the Union of India shall release the

scholarship to the petitioners as per the said Scheme within four weeks thereafter.

12. Writ petition is allowed in the aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

13. Petitioners are directed to furnish their bank account details within one week from today in which the payment of scholarship can be directly transmitted by the Union of India.

14. It is made clear that in view of the peculiar facts, we have directed the State Government to forward the claim of the petitioners to the Union of India. This order shall not be used as the precedent.

15. Parties to act on an authenticated copy of this order.

(R. N. LADDHA, J.)

(R. D. DHANUKA, J.)

Minal Parab