

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4454 OF 2021

Pranali Prabhyakar Kamble

.. Petitioner

Versus

State of Maharashtra & Anr.

.. Respondents

Mr.A.H. Fatangare for the petitioner.

Mr.N.C. Walimbe, AGP for the respondent nos.1 & 2 -State.

CORAM : R.D. DHANUKA

R.I. CHAGLA, JJ.

DATE : 6th September 2021

P.C.:-

. By this petition, the petitioner is seeking reliefs against both the respondents. Leave to amend is granted to correct prayer clause (a). Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Mr.Walimbe, learned AGP waives service for the respondent nos.1 & 2. By consent of parties, petition is heard finally. Some of the relevant facts for the purpose of deciding this petition are as under :-

3. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking a writ of Mandamus directing the respondent nos.1 & 2 to select the petitioner for the Foreign Scholarship

Scheme for academic year 2021-22 pursuant to an advertisement dated 11th May 2021 published by the respondent nos.1 & 2 and also prays for writ of certiorari for quashing and setting aside the Government Resolution dated 12th August 2021 thereby selecting 19 candidates which is annexed at Exhibits 'B-1' and 'B-2' to the said Government Resolution.

4. The petitioner has completed her B.A. LLB from Symbiosis International (Deemed) University, Pune and obtained 8.29 marks out of 10 i.e. 82.9% in last semester. The petitioner intends to pursue her post-graduation and PHD study. The respondent nos.1 & 2 issued an advertisement dated 11th May 2021 inviting applications for foreign Scholarship in respect of 75 seats quota from various candidates in various faculties. Last date for making an application and for submission of documents was initially fixed as 14th June 2021 and was extended till 30th June 2021.

5. The petitioner wanted to pursue her post-graduation study from University of Birmingham, U.K. and applied for admission in the month of March, 2021 itself. The University of Birmingham offered the admission for relevant course for the academic year 2021-22 vide

letter dated 19th March 2021. However, since the result of the petitioner for last semester was not declared by the said Symbiosis International (Deemed) University, the University of Birmingham accepted the said offer of the petitioner as a conditional.

6. Vide letter dated 16th July 2021, the University of Birmingham informed the petitioner that she had met all the conditions and her offer was thus unconditional offer. The LLM Course would be starting from 21st September 2021 by the said University. The petitioner however, could not submit the mark-sheet for the last semester on or before 30th June 2021 since the result itself was declared by the said Symbiosis International (Deemed) University on 2nd July 2021. The respondent nos.1 &2 refused to grant the scholarship to the petitioner on the ground that mark-sheet of the petitioner was not submitted on or before cut-off date i.e. 30th June 2021. The petitioner has thus filed this writ petition.

7. Learned counsel for the petitioner invited our attention to various Exhibits annexed to the petition including the advertisement issued by the respondent nos.1 & 2, mark-sheet issued by the said Symbiosis International (Deemed) University, letter dated 26th June

2021 addressed by the petitioner to the concerned learned Minister requesting for extension of cut-off date for submission of the documents in view of the fact that the said Symbiosis International (Deemed) University had not submitted such mark-sheet before the cut-off date.

8. Learned counsel for the petitioner also invited our attention to the documents annexed to the affidavit-in-rejoinder stating that the result of final year Law Course of Mumbai University was declared only on 29th July 2021. Savitribai Phule Pune University had declared its result on 23rd August 2021 much after the cut-off date fixed by the respondent nos.1 & 2. He also invited our attention to CAS statement issued by the University of Birmingham at Page 88 annexed to the petition stating the details of admission granted by the said University to the petitioner and tuition fees of University of Birmingham paid by the petitioner. The petitioner has been granted admission in hostel by the said University. The petitioner has also been issued UK Visa and Immigration. The petitioner has purchased the ticket and proposes to travel tonight to Birmingham.

9. Learned AGP for the respondent nos.1 & 2 invited our attention to the affidavit-in-reply filed by the respondent nos. 1 & 2 and

more particularly paragraph 9 and would submit that admittedly the application for scholarship filed by the petitioner came to be rejected on the ground that the petitioner had failed to submit her Certification of LL.B degree completion. Though the petitioner made a representation to the concerned learned Minister, no cognizance of the said representation has been taken care.

10. The petitioner appears to be a brilliant student and had secured 8.29 marks out of 10 i.e. 82.9% in last semester. In our view, the respondent nos.1 & 2 could not have rejected the application filed by the petitioner on the ground that the petitioner had failed to submit her Certification of LL.B degree completion in view of the fact that admittedly the results were declared by the said Symbiosis International (Deemed) University, Pune only on 2nd July 2021 i.e. after the said cut-off date.

11. The matter was on board before this Court on 23rd August 2021. This Court after taking into consideration the fact that the said Symbiosis International (Deemed) University, Pune itself has declared the result on 2nd July 2021, this Court directed the respondent nos.1 & 2 not to release the scholarship fund in favour of any other candidate in respect of one such seat till next date.

12. Learned counsel for the petitioner, on instructions, states that till date, four seats are still lying vacant for scholarship announced for post-graduate degree in law.

13. Mr.Walimbe, learned AGP for the respondent nos.1 & 2, does not dispute that the results were declared by the Law Universities and more particularly the said Symbiosis International (Deemed) University, Pune only on 2nd July 2021 i.e. after cut-off date. He also does not dispute that the petitioner had already made an application on 26th June 2021 i.e. before the cut-off date for seeking extension of cut-off date to submit the documents for availing scholarship in post-graduate degree in law. However, there was no response to the said representation.

14. Learned AGP invited our attention to paragraph 9 of the affidavit-in-reply dated 1st September 2021 filed by the respondent nos.1 & 2 and would submit that only the students who had received Unconditional Offer letter from foreign educational institutes were considered for foreign scholarship.

15. Mr.Fatangare, learned counsel for the petitioner invited our attention to the documents issued by the said foreign University clearly

stating that admission granted to the petitioner is not provisional but final. The said University of Birmingham has also granted hostel accommodation to the petitioner and has also accepted the fees. The petitioner has been already issued UK Visa and Immigration.

16. In our view, the petitioner has thus made out a case for grant of scholarship under Foreign Scholarship Scheme for academic year 2021-22 for post-graduate degree in law as published vide advertisement dated 11th May 2021 and in accordance with Government Resolutions issued from time to time.

17. We accordingly pass the following order :-

- (i) Rule is made absolute in terms of prayer clause (a).
- (ii) The scholarship fund under the said Foreign Scholarship Scheme shall be released in favour of the petitioner as per the schedule prescribed in Government Resolution and in accordance with the procedure prescribed therein expeditiously.

18. Writ petition is disposed of in aforesaid terms. There shall be no order as to costs. Parties to act on authenticated copy of this order.

R. I. CHAGLA J.

R.D. DHANUKA, J.