

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.793/2021

Asmita Milind Moon

...Versus...

**State of Maharashtra Through its Principal Secretary Department of Social
Justice & Special Assistant, Mantralaya Extension Building, Mumbai – 400032**
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mrs. Smita V. Taksande, Advocate for petitioner
Shri N.R. Patil, AGP for respondents

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATE : 05/07/2021

1. Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and video quality was proper.
2. Heard Mrs. Smita Taksande, learned Counsel for the petitioner and Shri N.R. Patil, Learned Assistant Government Pleader for the respondents.
3. The petitioner is a student, who has taken admission to London School of Economics, UK for pursuing one year course of Social Innovations and Entrepreneurship.

4. The petitioner contends that she belongs to the reserved category as mentioned in the advertisement dated 11/5/2020, whereby applications from eligible students were invited for grants of foreign scholarship. The petitioner submits that the advertisement dated 11/5/2020 itself stated that all those students who were pursuing post-graduation courses of two years or even less than that, would be eligible for grant of foreign scholarship, if other conditions were fulfilled. According to the case of the petitioner, the petitioner fulfills all other conditions and even the condition of pursuing a course which is less than one year and therefore she is entitled to receive the benefit of the scholarship under the Rajshree Shahu Maharaj Scholarship Scheme.

5. The reply that the petitioner has received from the respondent no.2 dated 4/11/2020 clearly states that the petitioner is not eligible for receiving the scholarship for the reason that this course which is of only one year is not covered by the Scheme as declared under the Government Resolution dated 30/6/2018.

6. The Government Resolution dated 30/6/2018 clearly stipulates that whenever a foreign MBA course to which admission is taken is less than two years, the student would not be covered by Rajshree Shahu Maharaj

Scholarship Scheme. Accordingly, the petitioner has been informed that she is not entitled to receive the scholarship. Learned Counsel for the petitioner submits that Condition no.4 (3) (pg.29) of the advertisement dated 11/5/2020 clearly mentions that the scholarship can be granted to the students, who are pursuing any foreign course which is of less than two years of duration.

7. Shri N.R. Patil, learned Assistant Government Pleader for the respondents submits that this is only a general condition but so far as MBA course is concerned, there is a specific condition which is Condition no.31 (pg.32), which makes the petitioner ineligible for this scholarship.

8. On going through Condition no.31 of the advertisement dated 11/5/2020, we find that learned Assistant Government Pleader is right in his submission. We further find that this advertisement is not in any way inconsistent with the parameters governing grant of foreign scholarship as prescribed under Government Resolution dated 30/6/2018. The Government Resolution dated 30/6/2018 stipulates that for to be eligible to receive foreign scholarship a student must have secured admission to MBA course, which is of minimum two years. Condition no.31 of the advertisement dated 11/5/2020 is consistent with this

parameter. So far as Condition no.4 (3) of the advertisement dated 11/5/2020 is concerned, we are of the view that it is a general condition and it is further defined by Condition no.31 of this advertisement, which we have already found to be consistent with the parameters prescribed in Government Resolution dated 30/6/2018.

9. Apart from what we have observed just now, we also find that there can be no challenge raised to Government Resolution dated 30/6/2018 for the reason that foreign scholarships, their grants, their conditions, their limitations, their restrictions etc. are all matters of policy and fall within the discretion of the executive and depend upon the funds available for working out of the promises made under the policy. Therefore, there can be no interference with such policy in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

10. In the circumstances, we find no merit in the petition. The writ petition stands dismissed. No order as to costs.

JUDGE

JUDGE