

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

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LPA-698-2021 (O&M) in
CWP-36425-2019
Date of decision : 14.10.2021

All India Council for Technical Education

Appellant

V/S

Danish Nazir and others

Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Ravi Sharma, Advocate for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Present appeal has been preferred against the judgment dated 04.12.2020 passed by the learned Single Judge whereby the writ petition preferred by the students praying for a writ of mandamus directing the All India Council for Technical Education (appellant herein) to release scholarship under the Prime Minister's Special Scholarship Scheme in respect of they having studied in BBA and B. Pharmacy course with Ganpati Business School, Bilaspur, Jagadhri, Haryana-respondent No.2 and Ganpati Institute of Pharmacy, Bilaspur, Jagadhri, Haryana-respondent No.3, has been allowed.

It is not in dispute that vide notification dated 18.08.2010 Government of India had constituted an expert group under the Chairmanship of Dr. C.Rangarajan for enhancing employment opportunities in the State of Jammu and Kashmir and other allied objectives. One of the recommendations which were made was for instituting 5000 scholarships per annum under the Special Scholarship Scheme for the Jammu and Kashmir students. Out of which 4500

scholarships were to be for general degree courses, 250 for engineering and 250 for medical studies. This recommendation was approved by the Cabinet Committee on Economic Affairs leading to the issuance of notification dated 24.09.2012 by the Government of Jammu and Kashmir, Higher Education Department giving details of the Special Scholarship Scheme for the students of Jammu and Kashmir, who intended to or were pursuing higher studies outside the State.

It is not in dispute that the respondents who were students of these two above mentioned institutions, which are duly recognized and affiliated to Kurukshetra University, had completed their studies from the said institutions. Since these institutions had granted the students admission under the above mentioned scheme and permitted them to complete their studies without making any payment with regard to the fee and other charges, the claim was put forth by the students for grant of the benefits of the scholarship. As nothing was received by the above mentioned two institutions from the students relying on the Special Scholarship Scheme as mentioned above, demand was made from the students for payment of the charges due. When the said benefits were not received by the students and they being unable to pay the institutions the dues, they were forced to file the writ petition.

This Court proceeded to accept the prayer of the students and granted them the benefit of the scholarship scheme directing the appellant to make payment. This judgment of the learned Single Judge dated 04.12.2020 is challenged in the present appeal.

Learned counsel for the appellant has asserted that in-fact it is the institutions which have to be blamed as irregularities were

committed by them in making admissions of these students. He points out that the aberration, if any, was on the part of the institutions which were committed even prior to the opening of the scheme itself and therefore, the institutions have perpetuated and in-fact proceeded to play a fraud upon the appellant-AICTE. He, however, could not dispute the fact that there is no fault on the part of the students and they after taking admission had completed their studies. The innocent students cannot be made to suffer for the acts and conducts of the institutions, if any, as alleged.

In view of the above, we do not find any error in the judgment dated 04.12.2020 passed by learned Single Judge specially when what has been asserted by the counsel for the appellant is that the institutes were to blame for the situation which the appellant was faced with.

Learned counsel for the appellant has in the light of the above stated that he would press the appeal limiting it to taking action against the institutions. If that be so, it would be open to the appellant-AICTE to proceed against the institutions, if permissible under the scheme and that too strictly in accordance with law.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

14.10.2021

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No