

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3392 of 2020

=====

Rajeev Kumar, S/o Shiv Chandra Ram, R/o Bhuskaul Serha, Harpur,
Bhuskaul, Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Main Secretariat, Patna-800015.
2. The Secretary, Schedule Caste and Schedule Tribe Welfare Deptt. Block No.-4, (Second Floor), Behind Sinchai Bhawan, Old Secretariat Campus, Bihar, Patna-800015.
3. The Secretary, Ministry of Social Justice and Empowerment, Room No. 604, A-Wing, Shastri Bhawan, New Delhi-110001.
4. The Director, SCD-V, Ministry of Social Justice and Empowerment, Room No. 604, A-Wing, Shastri Bhawan, New Delhi-110001.
5. The Secretary, Ministry of Tribal Affairs, 736, 7th Floor, A-Wing, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi-110001.
6. The Under Secretary to the Government, Scheduled Caste Scheduled Tribe Welfare Department, Govt. of Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mrs. Alka Verma, Advocate Mr. Thressiamma K.P., Advocate Mrs. Shalini Raut, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7 Mrs. Kanak Verma, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

=====

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

=====

Date : 24-06-2022

Heard learned counsel for the parties.



Petitioner has prayed for the following relief(s):-

1. That the present Public Interest Litigation application has been filed for setting aside the Resolution No.4061 dated-16.5.2016 issued by Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar under the signature of the Under Secretary to Government, Sri Prem Singh Meena by which the amount of Post-Matric Scholarship for SC/ST has been diluted in contravention to the provisions of Article 338A(9) of the Constitution of India by not taking necessary approval from the National Commission of Scheduled Caste and National Commission of Scheduled Tribes in the matter of Fixation of amount of Scholarships under Post-Matric Scheduled Caste and Post-Matric Scheduled Tribes Scheme causing detrimental effect upon the Scheduled Caste and Scheduled Tribes students (currently availing the scheme or eligible for the scheme), by putting a sudden break to their education. And further for setting aside the Bihar Government Resolution with Memo no.636 dated 5.3.2019 of Scheduled Caste and Scheduled Tribe Welfare Department issued under the signature of Undersecretary to the Government, Sri Prem Singh Meena, which is in contravention to the constitutional provision as well as the 2016, Government of India, Centrally Sponsored Scheme of Post-Matric Scholarship to the



students belonging to Scheduled Caste by Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, & Scheme of Post Matric Scholarships to the Students Belonging to Scheduled Tribes for Studies in India by Ministry of Tribal Affairs, Education Division, Government of India by which there is a provision of mandatory payment of maintenance allowance and non-refundable fees to Bank Accounts of student beneficiaries only, and for removing the capping/limiting of the scholarship amount as per the resolution no. 4061 dated 16/05/2016. And further for reimbursement of the scholarship amount for the financial year 2017-18 and 2018-19 to the Scheduled Caste and Scheduled Tribe students eligible under the PMS-SC and PMS-ST, who have already enrolled in undergraduate or post-graduate courses of recognized Universities/ Institutions/ Colleges, and for any other relief or reliefs as the Hon'ble Court deems fit and proper in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, with better particulars, on the same and subsequent cause of action, if so required and desired.



Permission granted with liberty as prayed for.

Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.06.2022
Transmission Date	

