

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

**CWP-12657-2018 (O&M)
Date of Decision: 06.04.2022**

KALA G PRADEEP AND ORS

.....Petitioner

vs.

UNION OF INDIA AND ANR

.....Respondent

BEFORE:- HON'BLE MR. JUSTICE SUDHIR MITTAL

**Present:- Mr. Balwinder Sangwan, Advocate
for the petitioners.**

**Mr. Vinod K. Kaushal, Advocate
for respondent No.1.**

**Mr. Shreesh Gupta, Advocate
for respondent No.2.**

Sudhir Mittal, J. (Oral)

The petitioners took admission in respondent No.2 (hereinafter referred to as the institute) in the year 2017 in a course known as BS-MS course. This course is of 5 years duration and is a course in basic sciences. The educational qualification for the said course is Class XII, IISER aptitude test or IIT, JEE test. Kishore Vaigyanik Protsahan Yojana Fellowship holders are also eligible for admission. All the students are automatically eligible for award of INSPIRE scholarship offered by the Department of Science and Technology Government of India. This scholarship is also known as Scholarship for Higher Education (SHE).

After their admission, respondent No.2-Institute sent a list dated 10.10.2017 to respondent No.1 listing the names of students who were entitled to receive the INSPIRE scholarship. Copies were also circulated to the concerned students. After perusal of the same, the Department of Science and Technology sent a list dated 21.03.2018, to respondent No.2 containing the names of students who had been cleared for award of the scholarship. The names of the petitioners were not mentioned therein and thus the present writ petition was filed for issuance of a writ in the nature of mandamus directing the respondents to release the amounts due under the INSPIRE scholarship, after upholding list dated 10.10.2017.

Separate written statements on behalf of respondents No.1 and 2 have been filed. Respondent No.2 is supporting the case of the petitioners, whereas, respondent No.1 primarily says that the list dated 21.03.2018 is in accordance with the revised criteria for award of scholarship and is thus legal and valid.

Learned counsel for the petitioner has argued that once a candidate is selected for the INSPIRE scholarship, he cannot apply for any other scholarship. Accordingly, the petitioners did not apply for other scholarships like Bose Einstein Scholarship 2018, Internshala Career Scholarship for Girls 2018, CADD Quest Scholarship etc. Thus, removal of their names from the list has caused grave prejudice to them. The action is patently unfair. The petitioners fulfilled the criteria for award of the scholarship and these are mentioned on the website of the Department of Science and Technology, copy whereof is Annexure P4 on record. It provides that a candidate who is possessing any of the following criteria i.e.

- (i) Top 1% in 12th Class of respective board examination and

pursuing courses in natural and basic sciences at the graduate or post-graduate level.

(ii) Those having secured top 10,000 ranks in JEE-advance examination, JEE-main examination as well as NEET examination who opt for natural and basic sciences courses.

(iii) Students admitted to Indian Institute of Science Education and Research (IISER National Institute of Science Education and Research), IISER Department of Atomic Energy Centre for Basic Sciences at the University of Mumbai are Kishore Vaigyanik Protsahan Yogana Fellows, National Talent Search Examination Scholars, Jagadish Bose National Science Talent Search Scholars and Science Olympiad Medallits opting for courses in natural and basic sciences.

From the above it is evident that students possessing any of the said criteria were entitled. The petitioners fulfilled criteria mentioned at (iii) and accordingly their names were included in the list dated 10.10.2017. Exclusion vide list dated 21.03.2018, was illegal and unreasonable as no reasons are forthcoming for their exclusion.

Learned counsel for respondent No.1 has submitted that the criterion of being amongst top 1% in the Class XII Board examination and the criterion of being amongst top 10,000 ranks is in addition to the criterion of taking admission to IISER and other similar institutes offering courses in Natural and Basic Sciences. The petitioners do not fulfil the requirement of being in the top 1% of students in the Class XII Board examination, thus, their names were excluded from the list dated 10.10.2017. The criteria were published vide Advertisement R-1 pertaining to the year 2017. It is also submitted that letter dated 20.04.2016 (Annexure

R-7) was issued to the institutes concerned informing them about the changed criteria. Thus, there is no illegality in the list dated 21.03.2018.

A perusal of the criteria listed in Annexure P4 which are admittedly the same as available on the website of the Debarment of Science and Technology leaves no doubt that a candidate fulfilling anyone of the three criterion mentioned therein was entitled to grant of the scholarship. The petitioners fulfilled the criterion of being students admitted to IISER and opting for a course in Natural and Basic Sciences. The advertisement (Annexure R-1) referred to by learned counsel for respondent No.1 does not list any change in the criteria aforementioned. The letter dated 28.04.2016, copy (Annexure P-7) is addressed only to the Director IISER Kolkata and also does not mention any change in the criterion. It only states that keeping the shortage of funds in future, it has been decided that the criterion of being within top 1% of the Board examination would be enforced. There is nothing on record to indicate that this decision was released into the public domain. Thus, the petitioners had a legitimate expectation of being selected for the INSPIRE scholarship. Their names were in fact included in the list dated 10.10.2017, but were subsequently excluded upon issuance of list dated 21.03.2018. This list admittedly has been prepared on the basis of a revised criteria which was not in the public domain and thus it cannot be held to be legally valid. The element of unfairness is also involved in this case because on account of inclusion in the list dated 10.10.2017, the petitioners were unable to apply for any other scholarship. If, the list was to be revised it should have been done within a short period of time after the list dated 10.10.2017 was received so that the petitioners would have been able to take remedial action. No reasons are also forthcoming for revising

the list dated 10.10.2017, resulting in leaving the petitioners bewildered. Thus, the release of list dated 21.03.2018 has to be held to be unreasonable and unfair.

The writ petition is accordingly allowed.

List dated 21.03.2018 (Annexure P-3) is quashed. List dated 10.10.2017 (Annexure P-2) is upheld. Respondent No.1 is accordingly directed to release the arrears due to the petitioners under the INSPIRE scholarship within 4 weeks from the date of receipt of certified copy of this order.

06.04.2022
Amandeep

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned ? **Yes/No**

Whether referred to Reporters ? **Yes/No**