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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12th December, 2022

+ W.P.(C) 6760/2022 & CM APPL. 20530/2022

BAJRANG

..... Petitioner

Through: Dr. Amit George, Mr. Amol Acharya,
Mr. Rayadurgam Bharat, Mr. P.
Harold Jaimon & Mr. Arokenil
Bhamick, Advocates
(M:8860875882)

versus

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT &
ANR.

..... Respondents

Through: Mr. Vivek Goyal, SGSPC with Mr.
Gokul Sharma, Advocate for R-1
(M:9045885304)
Mr. Mukesh Kumar Singh & Mr.
Chanduakant Sukuman Sarkar,
Advocates

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner joined Respondent No.2 - Rajiv Gandhi National University of Law (*hereinafter "University"*) in the five years law course. He belongs to the Scheduled Caste category and wishes to avail of the Central Sector Scholarship Scheme of Top Class Education for SC Students (*hereinafter "Scheme"*).
3. The case of the Petitioner is that he had to upload certain documents to avail of the said scholarship and on 14th November, 2020, an application

was filed by him along with his father's Income Tax Return to avail of the said scholarship. Upon verification, the Ministry rejected the application vide email dated 23rd September, 2021, on the ground that the Income Tax Return Certificate was invalid. The reason for the same was that the Petitioner did not file the 'Income Certificate' but instead had filed the Income Tax Return with the Acknowledgement Receipt. Upon receiving the said rejection email, the Petitioner immediately on 18th October, 2021, addressed a reply email along with the Income Certificate for processing of the Petitioner's application. The Ministry then replied to it that the scholarship is being processed. However, finally, after some reminders on 9th November, 2021, the Ministry took the stand that the change of documents would not be permissible as it would change the merit list. Thus, the scholarship application of the Petitioner was rejected. The Petitioner then again applied for the scholarship in his next year, i.e., for his second year, and his candidature was found eligible. However, he has not been granted any scholarship. Hence, the present petition.

4. Dr. Amit George, Id. Counsel appearing for the Petitioner, relies upon the judgment of the Id. High Court of Uttarakhand in ***Renu Negi v. Union of India & Ors., [WP (M/S) No.2828 of 2018, decided on 19th February, 2019]***, to argue that the authorities cannot take a hyper-technical approach when it comes to scholarships and similar schemes. The said scheme would have to be read broadly in favour of granting relief to eligible students. He further submits that the University itself does not doubt the entitlement and eligibility of the candidate. He also places reliance on the Computation of Total Income attached with the Income Tax Return, which would show that there is no discrepancy in between the Income Tax Return Certificate and

the Income Certificate, which would be evident from the Income Tax Computation Form.

5. On the other hand, Id. Counsel for the Respondents submits that the document was wrongly submitted. Accordingly, the four slots, which were allotted to the University for scholarship students, have already been exhausted and the same have been released to four other candidates. Thus, further scholarship cannot be granted.

6. Heard. A perusal of the Scheme, which has been placed on record, would show that the purpose and intent of the Scheme is to empower the students of Scheduled Caste and Schedules Tribes to avail of top class education opportunities. The scholarship is awarded to meritorious students. The background of the Scheme and the eligibility requires that the total annual family income has to be up to Rs.8 lakhs. The eligibility of the present candidate i.e., the Petitioner is not in doubt as is evident from the recommendation of the University that has been placed on record, as also from the Income Tax Returns and the Income Certificate. The same reads as under:

“Please find the Annexure-A and other documents of Mr. Bajrand, student of Second year. He had been selected last year on the basis of the merit, but could not avail the scholarship as his income certificate was not correct.

Sir our TCS portal is not working so we are sending the documents as well as the documents to you. Please let us know if anything else is required.”

7. The manner in which the Scheme functions is that the applications are received by the Ministry and thereafter, based upon the applications received, slots are allotted by the Ministry for a fixed number of scholarship

recipients at each University. The Scheme is restricted to the top students in the *inter se* merit list based on the admission criteria. The University has confirmed in the recommendation set out herein above that the Petitioner was selected in the Merit List of 2020-21.

8. The Petitioner has been found meritorious by the University. Both in the first year and the second year he is on the merit list. Considering these facts and submissions, in the opinion of this Court, a mere discrepancy in filing the Income Tax Return instead of the Income Certificate, despite the two documents evidencing the same parameters of income requirements, cannot lead to a situation where an eligible meritorious candidate is deprived of the scholarship. The counter-affidavit does not raise any doubt as to the veracity of the documents submitted by the Petitioner or his eligibility. The University has also confirmed his merit position.

9. In ***Renu Negi (supra)***, the Uttarakhand High Court, while considering a benevolent scheme for students, observed as under:

“9. The SHE-INSPIRE Scheme is a benevolent scheme but the application of the petitioner has been rejected on hyper-technical ground which is contrary to the object and spirit of the scheme. A perusal of the impugned order would further reveal that not only hyper-technical approach but also a strict and rigid view has been taken by the first respondent in rejecting the petitioner's application. In the opinion of the Court, the first respondent was not justified in rejecting the application of the petitioner on the technical ground for want of endorsement certificate in proper place, especially when the scheme called SHE-INSPIRE Scheme is benevolent and the objective is providing scholarship to the BPL students. The Hon'ble Apex Court in the case of Malathi Sardar vs. National

Insurance Company Ltd., (2016) 3 SCC 43 has cautioned against adopting hyper technical approach in interpreting a benevolent provision for the victims of accidents of negligent driving. Hyper technical approach in such matters can hardly be appreciated.”

10. In the light of the above, this Court also notes that the Income Certificate is generated by the authorities where the Petitioner/his family resides. A perusal of the Income Tax Return along with Computation of Total Income also clearly shows that the eligibility is met by the Petitioner, and the income depicted in both documents is exactly the same. A hyper technical approach obviously ought not to be taken in this matter. The Petitioner has also been diligent in replying, upon the discrepancies being pointed out by the Respondent. Thus, the Ministry ought to have considered the Petitioner's candidature and ought not to have rejected the Petitioner's application.

11. Under these circumstances and considering that the Petitioner is otherwise eligible, the Ministry is directed to process the Petitioner's application for grant of scholarship under the impugned Scheme for the academic year 2020-21 and grant the scholarship to the Petitioner within eight weeks. Any other benefits that may accrue to the Petitioner upon the said grant shall also be extended.

12. The petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH
JUDGE

DECEMBER 12, 2022/dk/ms