

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

WRIT PETITION (WP) NO. 3890/2021

GANGAI BAHUUDDESHIYA GRAMIN VIKAS SANSTHA, YAVATMAL

VS

THE STATE OF MAHARASHTRA AND ORS.

WITH

WRIT PETITION (WP) NO. 4295/2021

GANGAI BAHUUDDESHIYA GRAMIN VIKAS SANSTHA, YAVATMAL

VS

THE STATE OF MAHARASHTRA AND ORS.

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

Court's or Judge's Order

Mr. K. Chiwarkar with Mr. N.S. Valesha h/f. Mr. Anand Parchure, Advocate for the petitioner

Mr. A.A. Madiwale, Assistant Government Pleader for respondent nos. 1 to 3

Mr. Sunil S. Shinde, Advocate for respondent no. 4

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI, J.J.

DATED : 20/03/2023

Rule. Rule made returnable forthwith. Heard the learned Counsel for the parties.

2. The petitioner, Education Institution – Gangai Bahuuddeshiya Gramin Vikas Sanstha, Yavatmal, has filed these writ petitions in the matter of non-release of scholarship amount to eleven students from Scheduled Caste category and fifteen students from Scheduled Tribe category who have not received the scholarship amount for the years 2018-2019 and 2019-2020.

3. On hearing the learned Counsel for the parties and perusing the affidavits filed by the respondents, it is seen that principally for want of Aadhaar Card the respondent no. 4, which is the implementing Agency in the matter of disbursement of scholarship amount, could not process the aforesaid applications of the students. It is further seen that the pending applications are automatically rejected at the end of the concerned Academic Years

thus depriving the aforesaid eleven students from the Scheduled Caste category and fifteen students from the Scheduled Tribe category from receiving the scholarship amount.

4. According to the respondent no. 4 since it is an Agency that merely operates the modality of distribution of scholarship amount, if instructed by respondent nos. 1 and 2 to open the concerned portal, it would be possible for it to process the respective claims.

5. According to respondent nos. 1 to 3 for sometime there were certain technical issues at the end of respondent no. 4 and the applications could not be processed in that regard.

6. Be that as it may, we find that the entitlement of the concerned students to the amount of scholarship cannot be denied for technical reasons. It is informed by the learned Counsel for the petitioner – Institution that all the concerned students now possess Aadhaar Card and same could be submitted online if the portal is opened by respondent no. 4. In these facts, respondent nos. 1 to 3 are directed to instruct the respondent no. 4 to open the Online Portal facility for submission of the aforesaid scholarship forms with all necessary documents by the petitioner – Institution. On such permission being granted, the respondent no. 4 shall open the concerned portal to enable the forms to be uploaded on receiving necessary permission from respondent nos. 1 to 3. The respondent no. 4 shall inform the petitioner – Institution of the fact that the Online Portal has been opened to enable it to submit the application forms. The petitioner – Institution shall thereafter forthwith submit all application forms complete in all respects including annexing the Aadhaar Card to the same. The entire exercise be completed within eight weeks from today.

7. With these directions, the writ petitions are partly allowed and disposed of. Rule accordingly. No costs.

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
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Date: 2023.03.23
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