



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.6215 of 2023

Swatej s/o Sangharakshit Patil

vs.

The State of Maharashtra through its Secretary, Department of Social Justice and Special Assistance Mantralaya, Mumbai and others.

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

Court's or Judge's Order

Shri P. J. Mehta, Advocate for petitioner.

Ms N. P. Mehta, Assistant Government Pleader for respondent nos.1 to 3.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 11th OCTOBER, 2023

P. C.

Heard.

2. The petitioner seeks a direction to include his name as an eligible candidate for being entitled to receive scholarship amount in terms of the Government Resolution dated 06.09.2023. The reason for holding the petitioner ineligible to receive the benefit of scholarship is that the offer of admission received by the petitioner is conditional in nature.

3. Under the Rajarshi Sahu Maharaj Scholarship Scheme for the Academic Year 2023-24 an advertisement was published by the Department of Social Justice and Special Assistance inviting applications from eligible students to seek the benefit of scholarship. As per Condition No.8 of the terms and conditions it was stated that only those students who had received an unconditional offer letter from a foreign educational institution would be entitled to receive scholarship. On 07.07.2023 the Joint Commissioner (Education Branch), Social Welfare

Department of the State of Maharashtra issued an email to Cornell University with a copy to the petitioner seeking clarification on the offer letter issued to the petitioner. It was stated that the offer letter issued by the University did not specifically mention whether the offer for admission was 'conditional' or 'unconditional'. Clarification in this regard was thus sought. In response to the said email issued by the Joint Commissioner (Education Branch), Social Welfare Department, the Graduate Field Assistant issued an email on 10.07.2023 stating as under:

"I am a graduate field assistant in Systems Engineering. I am confirming that Swatej Sanghrakshit Patil has a contingent offer letter upon financial certification."

It is on this basis that the petitioner has been found ineligible to the benefit of scholarship.

4. Having perused the terms and conditions indicated in the advertisement published by the Social Justice and Special Assistance Department and especially Condition no.8 alongwith the response received from the Cornell University, it becomes clear that the offer of admission given to the petitioner was contingent upon financial certification. The advertisement requires the offer of admission to be unconditional. It is for this reason that the Joint Commissioner (Education Branch), Social Welfare Department had sought clarification from the concerned University and the response to the said communication clearly indicates that the offer of admission was contingent upon the petitioner's financial certification. This response in-fact clarifies what has been stated in the offer letter of admission dated 12.06.2023 issued by the Cornell University. It states that it's

offer of admission was contingent upon the petitioner's financial certification. The Government Resolution dated 27.06.2017 also indicates the policy on the same lines that the offer of admission ought to be unconditional for being entitled to receive scholarship.

5. Though the learned counsel for the petitioner sought to rely upon the literature to explain the aspect of 'financial certification', we find that the same would not be of any assistance to the petitioner since the terms of the advertisement are clear that the offer letter from the University should be unconditional. We therefore find that by refusing to include the name of the petitioner in the list of eligible candidates, no illegality has been committed by the respondents. The petitioner's claim has been considered in accordance with the terms and conditions mentioned in the advertisement and as the petitioner was issued a contingent offer of admission, he was not found eligible to the benefit of scholarship.

6. Hence there is no reason to interfere in writ jurisdiction. The writ petition stands dismissed with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.