

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

(232)

CWP-18890-2017

Date of decision: - 07.11.2023

Pawan Kumar

....Petitioner

Versus**University Grants Commission**

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Advocate
for the respondent-UGC.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the action of the respondent declining the claim of the petitioner for Rajiv Gandhi National Fellowship meant for Scheduled Caste Candidates. Further prayer has been made for the issuance of a writ in the nature of mandamus directing the respondent to grant Rajiv Gandhi National Fellowship to the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner had completed his degree in Bachelors of Science (Honors) in Agriculture from Chaudhary Charan Singh Haryana Agricultural University Hisar (hereinafter referred to as 'the University') and was issued a provisional degree certificate, which has been annexed as

Annexure P-3 and thereafter, had also passed his MSc in Extension Education from the said University and the provisional degree of MSc is attached as Annexure P-4. It is further submitted that the petitioner was enrolled for PH.D in Extension Education in the University in the month of January, 2016 and the said University started giving the petitioner a monthly stipend of Rs.3,000/- being eligible for the same. It is also submitted that the respondent-Commission is running a scheme in the name of Rajiv Gandhi National Fellowship for SC Students wherein a fellowship of Rs.25,000/- per month for initially two years and Rs.28,000/- per month for the remaining tenure is being provided to the SC students pursuing Ph.D. degree in any stream and who possess an excellent academic record. Learned counsel for the petitioner has referred to the said scheme, which has been annexed as Annexure P-5 along with the main petition and has submitted that the respondent-Commission used to invite applications every year from eligible students for granting the above-mentioned fellowship and in the month of June, 2016, the respondent-Commission had issued a notification inviting applications for different fellowships to the eligible candidates and the last date for submission of the same was 31.07.2016. It is stated that the petitioner had applied under the said scheme vide application (Annexure P-7), but however since the petitioner's name did not figure in the list of successful candidates for the said fellowship, even though 53 candidates were selected, thus, the petitioner filed an application under the Right to Information Act and as per the response dated 03.08.2017, it was stated by the respondent-Commission that the reason for non-grant of fellowship

was that the petitioner was already getting scholarship/stipend from the University. It is further stated that the said reason is illegal and against the plan/scheme (P-5), inasmuch as, Clause 21 of the said scheme only provides for cancellation of award in case a candidate is already availing scholarship/fellowship from any other source, but the same cannot be applied for the grant of the same as Clause 21 would only apply in a case where a person who has been granted the said scholarship/fellowship would suffer cancellation of the same in the event of his availing scholarship/fellowship from any other source. The second plea raised by learned counsel for the petitioner during the course of arguments is that the petitioner was not given any notice before not being granted the benefit of the said scheme.

3. Learned counsel appearing for the respondent-Commission has opposed the present writ petition and has submitted that in para No.4 of the reply, it has been specifically observed that the petitioner was not considered as he was already availing some other fellowship from the University and thus, in accordance with Clause 21 of the guidelines/plan (Annexure P-5), which has been relied upon by the petitioner himself, the petitioner was not entitled to the fellowship under the said scheme (Annexure P-5). It is further submitted that the fact that the petitioner was availing the scholarship/fellowship was apparent from his application dated 04.08.2016 (Annexure P-7) and the said fact has also not been disputed by the petitioner. It is argued that no replication has been filed to the written statement dated 06.03.2018 and thus, there is no rebuttal to the averments made in para 4 of the reply. It is further submitted that the

arguments of the petitioner to the effect that Clause 21 would not apply for grant of scholarship, is completely misconceived, inasmuch as, the ground on which the authorities are entitled to cancel the scholarship would necessarily mean that the same would be one of the conditions for granting the same. It is also stated that the scheme cannot be read in a manner so as to entitle a student to the grant of the scholarship/fellowship which is liable to be cancelled immediately thereafter. It is submitted that the rejection of the claim was known to the petitioner vide letter dated 03.08.2017 (Annexure P-9), but no challenge has been made to the said letter (P-9) in the present writ petition. With respect to the argument of no notice, it is submitted that the grant of fellowship is a benefit to a person and the same is to be granted only when the person fulfills the conditions. Once a person is not entitled to the grant of fellowship as per the scheme, then, the authorities are entitled to reject the case. The same cannot be taken to be an adverse action against applicant/candidate. It is stated that numerous students apply under the said scheme and it is not possible for the authorities to issue notice individually to each and every persons who is not being granted the benefit under the scheme. As far as the petitioner is concerned, he cannot raise the grievance regarding the same as, even as per his own case, he is not entitled to the said fellowship.

4. This Court has heard learned counsel for the parties and has gone through the paper-book.

5. Petitioner is seeking fellowship under the Rajiv Gandhi National Fellowship for SC candidates and in support of his case, he has relied upon the said plan/scheme, which has been annexed as Annexure

P-5. Clause 21 of the plan/scheme is reproduced herein below: -

“21. CANCELLATION OF AWARD:

The fellowship is liable to cancellation, in case of:

- i. *Misconduct.*
- ii. *Unsatisfactory progress of research work.*
- iii. *Candidate is later found ineligible.*
- iv. ***Candidate is already availing scholarship/fellowship from any other sources.***
- v. *Candidate if found employed during the M.Phil/Ph.D research.*
- vi. *Any false information furnished by the applicant or any fraudulent activity by the Scholar/Fellow/Research Awardees.”*

A perusal of the said clause would show that the fellowship is liable to be cancelled on any of the six grounds mentioned in Clause 21 of the scheme, which also includes the ground of a candidate availing scholarship/fellowship from any other sources.

6. The application submitted by the petitioner has been annexed as Annxure P-7 along with the writ petition. The relevant portion of the said application is reproduced herein below: -

“Scholarship Details

Are you availing any scholarship/fellowship

at Present? :

Yes

Source of Scholarship/Fellowship :

CCS Haryana Agricultural University, Hisar

Whether the Work has been

Completed/Is in Progress:

On Going

Date of Commencement/Completion :

06/01/2016

Topic of the Research :

Smart agricultural practices in Haryana: Pros and Cons”

A perusal of the above application would show that even as per the case of the petitioner, the petitioner was availing scholarship/fellowship from the University since 06.01.2016 and the same

was stated to be continuing. Thus, as per own case of the petitioner, he was availing scholarship/fellowship dis-entitling him to the scholarship/fellowship under the plan/scheme. The said aspect had been informed to the petitioner vide letter dated 03.08.2017 (P-9) under the Right to Information Act, but no challenge has been made to the said letter (P-9). The said plea has also been specifically taken in para 4 of the preliminary objection in the reply filed by the respondent to which no replication has been filed. Para No.4 of the said reply is reproduced herein below: -

“4. That the application of the petitioner was received for the above mentioned fellowship but the same was not considered for the year 2017-18 as the petitioner was already availing some other fellowship at that point of time. As per the guidelines for the said fellowship, copy of which have already appended herewith as Annexure P-5, it is specifically provided under clause 21 that the fellowship is liable to be cancelled in case a candidate is already availing scholarship / fellowship from any other source. It is pertinent to mention here that the petitioner at that point of time was already availing a scholarship a scholarship from Chaudhary Charan Singh Haryana Agricultural University, Hisar. Said fact is evident from a perusal of Annexure P-7 & P-9. Hence, the application of petitioner for Rajiv Gandhi National Fellowship for Scheduled Caste Candidates was not placed before the Expert Committee as the petitioner had stated in his application about the fellowship he was already availing, making him ineligible under the guidelines (P-5).”

7. It is thus apparent that the petitioner is not covered under the scheme/plan and is not entitled to the relief which the petitioner is seeking. Both the arguments raised by learned counsel for the petitioner to the effect that Clause 21 would only apply in a situation where a person has been granted fellowship and it is then required to be cancelled and

that no notice has been given prior to the non-grant of the benefit under the scheme, are completely misconceived and deserve to be rejected for the reasons detailed hereinafter.

8. The scholarship/fellowship under the plan is a benefit extended to the students belonging to scheduled caste community who fulfill the conditions, which have been mentioned in the scheme. Several students apply under the scheme and it is the duty of the authorities to see as to whether an applicant is entitled to scholarship/fellowship on the basis of the averments made in the application and also the accompanying documents. Once from a reading of the application and the accompanying documents, it is clear that the candidate is not entitled to the said scholarship/fellowship, as is in the case of the present petitioner, then, it is neither the requirement of law nor would it be feasible or practicable to issue notices to all the persons to whom the scholarship/fellowship is not being granted. Non-grant of a benefit under a beneficial scheme cannot be equated with an adverse action to be taken against a person involving civil consequences. Moreover, no law/judgment has been cited by the learned counsel for the petitioner in support of his arguments. On the aspect of Clause 21 dealing with the cancellation of award, suffice it to note that as per the said clause, a person who even after being awarded the scholarship/fellowship and in whose favour a right is created on account of the said grant was liable to suffer cancellation of the said fellowship/scholarship in case it is found that he is already availing scholarship/fellowship from any other source and thus, the rejection of the claim of the petitioner before grant of the same on the said plea cannot

be stated to be illegal or unjustified. In case the plea of the petitioner is to be accepted, then, it would lead to a situation where a person would be entitled to the grant of scholarship/fellowship on a particular date, making the said scholarship/fellowship liable to be cancelled on the same date. The scheme cannot be read in a manner so as to entitle a student to the grant of the scholarship/fellowship which is liable to be cancelled immediately thereafter.

9. Keeping in view the above-said facts and circumstances, this Court finds no merit in the present writ petition and the same deserves to be dismissed and is accordingly, dismissed.

November 07, 2023
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes