

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-8664-2017

Date of decision : 21.12.2023

Aarti Ahlawat and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikas Mohan Gupta, Advocate
for the petitioners.

Ms.Palika Monga, DAG, Haryana
for respondents no.1 and 2.

Mr.Amrit Paul, Advocate
for respondent no.3-University.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the benefits of scholarship scheme.

2, Learned State counsel has referred to the instructions / letter dated 19.12.2023 sent by the Director, Haryana State Technical Education Society to the office of the Advocate General, Haryana, Chandigarh by virtue of which, it has been stated that as per the confirmation of the respondent-University, three students i.e, the petitioners are entitled to receive C.V. Raman Scholarship @ Rs.10,000/- per month and Rs.5000/- per annum for contingency for each student. The relevant portion of the said letter is reproduced hereinbelow:-

“Memo. No. 1894 /HSTES

Dated: 19/12/2023

Subject: CWP No. 8664 of 2017 titled as "Aarti Ahlawat and ANR vs. State of Haryana and Others."

Kindly refer to the subject noted above.

It is informed that in compliance of the orders of the Hon'ble High Court in the above said CWP dated 12.12.2023, the respondent no. 3-university has submitted that three petitioners for the Sir CV Raman Research Scholarship belongs to the batch of 2011-12.

It is worth to mention here that earlier the petitioners was requested through respondent university vide this office Memo No. 874 Dated 18.04.2019 (copy enclosed at Annexure-1) to submit the pending proposals of petitioners for C.V. Raman Scholarship on the revised rates decided in the 16th BoG of HSTES i.e. Rs. 10,000/- p.m. + Rs. 5,000 per year as contingency per student to this office along with their affidavit from the research scholars regarding withdrawal of court case. But the petitioners had not accepted the proposal of HSTES and they submit that they will continue with their court case (copy enclosed at Annexure-II).

Now as per the confirmation by the respondent university, only three students namely; Mr. Harish Kumar (Pharmaceutical Sciences), Ms. Purnima (Pharmaceutical Sciences) and Ms. Aarti Ahlawat (Chemistry) entitled and HSTES is ready to release C.V. Raman Scholarship @ Rs. 10,000/- per month and Rs. 5000/- per annum for contingency for each student.

It is also relevant to mention here that the answering respondent-HSTES is a self- sustaining body and meets its expenditure from its own funds for scholarship. No grant-in-aid is being provided by the State Govt. to the answering respondent for the purpose.

In view of the above, it is requested to apprise the Hon'ble High Court accordingly. The next date of Hearing in this case is 20.12.2023.

*Deputy Director
For Director Technical Education
Haryana, Panchkula"*

DA/ As above.

3. Learned State counsel has submitted that in view of the same, the present petition has been rendered infructuous.

4. Learned counsel for the petitioners has submitted that the said letter substantially satisfies the claim of the petitioners but has submitted that the petitioners are entitled to interest w.e.f. 11.02.2014 and even as per

the letters which have been annexed along with the written statement filed

by the State, it is clear that vide letter dated 11.02.2014 (Annexure R-2/5), the respondent-State had written to the University approving the scholarship to the extent of Rs.10.000/- per month and Rs.5000/- per annum as contingency charges and the final decision has been taken on 19.12.2023 (Mark 'A') and thus, for the period starting from 11.02.2014 to 19.12.2023, the petitioners are entitled to interest at a reasonable rate.

5. Learned State counsel has submitted that respondent no.2, who has to pay the scholarship funds, is a self-sustaining body and has to meet its expenditure from its own fund and no grant-in-aid has been provided to them. It is further submitted that a perusal of Annexure R-2/5 dated 11.02.2014 (page 100), Annexure R-2/7 dated 02.01.2015 (page 102) and Annexure R-2/9 dated 07.04.2015 (page 104) would specifically show that the State had repeatedly asked the respondent-University to clarify the batch of the Ph.D. students under reference as the decision has been taken only in favour of the students from batch of 2011-12 and not in favour of the other batches, whereas it has been found that the petitioners were registered in the 2012 batch. It is stated that the University, instead of answering the said query, had been repeatedly asking for release of amount of Rs.18,000/- per month and Rs.5000/- per annum which was not the decision which had been taken on 11.02.2014 as only Rs.10,000/- per month and Rs.5000/- per annum were to be paid. It is further stated that after issuance of the letter dated 07.04.2015 (Annexure R-2/9), no clarification was given by the University and only when order was passed by this Court on 12.12.2023, the letter dated 15.12.2023 was given by the University clarifying the said fact and immediately thereafter the instructions / letter dated 19.12.2023 had been issued by respondent no.2. Learned State counsel has further handed over four documents which have been taken on record and marked

as Mark “A” to highlight the fact that respondent no.2 had written to the University on 18.04.2019 to specifically ask the University to send fresh proposal on revised rate i.e., Rs.10,000/- per month and Rs.5000/- per annum and to the same, the University vide letter dated 19.07.2019 had filed reply through e mail to the effect that the said information has been supplied to the petitioners and as per the same, the petitioners have refused to accept the said amount and has submitted that at any rate, the petitioners would not be entitled to interest, if any, beyond 18.04.2019.

6. Learned counsel for respondent no.3-University, on the other hand, has submitted that vide letter dated 19.05.2014 (Annexure R-2/6), the University had mentioned in the opening paragraph of the letter that the revised claim of the students for award of C.V. Raman Scholarship was for the year 2011-12 although in the later part, it has been mentioned that amount is @ Rs.18,000/- scholarship and Rs.5000/- p.m. for contingency but reading the letter as a whole, it would be apparent that the University had informed the State that the batch was of the year 2011-12. It is further submitted that in another letter dated 30.04.2015, which is not part of the record and has been handed over to the Court during the course of arguments and has been taken on record as Mark “B”, the respondent-University also stated about the said fact and thus, interest, if any, should not be charged from the University.

7. As far as the main relief sought in the petition is concerned, the same has been rendered infructuous.

8. The question which is to be considered by this Court is as to whether the petitioners are entitled to interest and if so, to what extent. From the facts and the arguments raised by learned counsel for the petitioners and the respondents, it is apparent that there has been a delay in

taking the decision dated 19.12.2023 and thus, the petitioners deserve interest @ 6% per annum. Learned State counsel has brought to the notice of this Court that an offer was made vide letter dated 18.04.2019 (Annexure I of Mark 'A') by respondent no.2 to the University to send a fresh proposal of the petitioners on revised rate along with their affidavit to which reply was given by the University on 19.07.2019 (Annexure-2 of Mark 'A') stating that the same has been conveyed to the petitioners and as per their *e mail*, the petitioners have refused to accept the same. The said document had been taken on record as Mark "A". In view of the said fact, this Court is of the opinion that the petitioners are entitled to interest @ 6% from 11.02.2014 to 18.04.2019.

9. The next question which arises is as to who has to pay the interest.

10. A perusal of the letters annexed with the reply from pages 100 to 104 and also the subsequent letters would show that although, the University vide letter dated 19.05.2014 (Annexure R-2/6) had written a letter informing respondent no.2 that the revised claim of the students was with respect to scholarship for the year 2011-12 but had incorrectly mentioned the amount as Rs.18,000/- and Rs.5000/- which was not the amount mentioned in the letter dated 11.02.2014 which respondent no.2 had agreed to pay. The subsequent letters of the State dated 02.01.2015 and 07.04.2015 annexed as Annexure R-2/7 as well as Annexure R-2/9 respectively would show that the University was specifically asked to respond to the query as to which batch the petitioners belonged to and as to whether they are of the 2011-12 batch or not, whereas, the University in its letter Annexure R-2/8 had, instead of informing the batch to which the petitioners belong again reiterated that the scholarship of the amount of

Rs.18,000/- and Rs.5000/- be released which was also a mistake on their part and thus, the University is partly responsible for the delay. Even respondent no.2 cannot be exonerated inasmuch as in the letter dated 19.05.2014 written by the University to respondent no.2 the fact that the scholarship to be released to the petitioners was for the year 2011-12 was mentioned. Learned counsel appearing for University has also referred to the letter dated 30.04.2015 (Mark 'B'), in which the said information was specifically given.

11. Keeping in view the totality of the abovesaid facts and circumstances, this Court is of the opinion that the petitioners are entitled to interest @ 6% per annum from 11.02.2014 to 18.04.2019 on the amount to be released and respondents no.2 and 3 would be liable to pay the said interest in equal share i.e., 3% per annum each. Respondent no.2 is directed to release the amount due to the petitioners along with their part of interest to the University within a period of 2 months from the date of the receipt of certified copy of the present order. Respondent no.3 is also directed to pay their part of interest within a period of 2 months from the date of the receipt of certified copy of the present order to the petitioners. Respondent no.3 would also forward the amount received by them from respondent no.2 within a period of 2 weeks to the petitioners.

12. The writ petition is disposed of in the aforesaid terms.

(VIKAS BAHL)
JUDGE

December 21, 2023.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No