



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10678 OF 2021

Dr. Miss. Smita Dnyaneshwar Jamdhade
Age: 36 years, Occu.: Education,
R/o. Siddharth-Nagar, Purna,
District Parbhani.

.. PETITIONER

VERSUS

1. University Grants Commission,
Bahadurshah, Jafa-Marg,
New-Delhi-110 002.
2. Vice Chancellor,
Swami Ramanand Teerth
Marathwada University,
Nanded. Pin-431606.
Through : Registrar of Swami
Ramanand Teerth Marathwada
University, Nanded.

.. RESPONDENTS

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Mr. G. J. Karne, Advocate for the petitioner.
Mr. B. B. Kulkarni, Advocate for respondent No.1.
Mr. U. S. Malte, Advocate for respondent No.2 (Through Video Conferencing).

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 1st MARCH, 2024.

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. The petitioner has filed the present petition to direct the present respondents to pay fellowship and arrears of fellowship under the scheme of "Rajiv Gandhi National Fellowship for Scheduled Caste Candidates".

2. The petitioner has come with the case that she was ambitious for taking education though she is from poor family. She was scholar and thereby she was getting scholarship and, therefore, the petitioner could learn and complete her academic career. Rajiv Gandhi National Fellowship was granted to her, which was sponsored by respondent No.1. She successfully completed her degree course of M.Phil. between 2007 to 2009. Thereafter, she had made application for registration of Ph.D. degree on 03.09.2010. She made application for continuation of Rajiv Gandhi National fellowship for Ph.D. for the further period of three years. Respondent No.1 had forwarded the said application for consideration to respondent No.2 vide letter dated 06.02.2012. Respondent No.2 in reply requested respondent No.1 to take necessary action for continuation of fellowship and release her grants. Respondent No.2 had then sent reminder to respondent No.1 on 25.10.2013 and one more undated letter informing that the petitioner is eligible to receive SRF grants for remaining three years starting from 05.08.2013. The petitioner was requesting both the respondents again and again, however, they neglected to give fellowship. She had even personally visited the office of respondent No.1 at New Delhi. She ultimately gave a letter on 12.03.2020 and 11.02.2021 to the Guardian Minister. According to the petitioner, respondent No.1 had sanctioned grants of Rs.18,00,000/- on 31.03.2011 and sum of Rs.24,15,000/- on 09.01.2013 for fellowship.

The petitioner is a member of Scheduled Caste and, therefore, entitled for the fellowship, however, since it has not been granted, hence, the present petition.

3. Affidavit-in-reply on behalf of respondent No.2 has been filed by one Sunil s/o Tukaram Dhale, serving as Assistant Superintendent (Accounts). It has been stated in the reply that the said Rajiv Gandhi Fellowship Scheme was for Scheduled Caste and Scheduled Tribe candidates. It is open for the students belonging to the Scheduled Caste and Scheduled Tribe for pursuing higher studies as regular and full time M.Phil. and Ph.D. degree in sciences, humanities, social sciences, engineering and technology and it is said that there are guidelines set out. Under the head "Nature of Assistance available under the Scheme" it contemplates that the tenure of fellowship is initially for two years under Rajiv Gandhi National Fellowship Scheme and before expiry of these two years period, the work of the fellowship will have to be evaluated by a committee of three members comprising of Head of the Department, Supervisor and one outside Subject Expert to be constituted by the concerned department of the university/institution/college. If the research work is found satisfactory, then only his/her tenure would be extended for further period of three years under the enhanced emoluments under Rajiv Gandhi National Senior Research Fellowship Scheme. Thus, the said

research fellowship is divided into two sections, one is Junior Research Fellowship (JRF) and another is Senior Research Fellowship (SRF), which are for M. Phil. and Ph.D. respectively. The petitioner completed her M.Phil. degree between 2007 to 2009 for which she was awarded Junior Research Fellowship. Further the scheme contemplates that if the report is not submitted by the experts committee upon the successful completion of first two years progress, then only the subsequent years and tenure of fellowship would be awarded, otherwise the fellowship will cease immediately after expiry of the due date. Extension of tenure of fellowship will not be admissible and no correspondence would be entertained by respondent No.2 in that regard. The claim of the petitioner for Senior Research Fellowship for completion of Ph.D. is at belated stage. The petitioner till date failed to submit the committee report as per Annexure-VIII of the UGC guidelines for XI Plan Rajiv Gandhi National Fellowship for Scheduled Caste and Scheduled Tribe candidates. Petitioner had directly sent a letter dated 17.05.2011 to the Deputy Secretary, UGC. This fact was also mentioned in the UGC letter dated 06.02.2012. The said letter is not sent on the letterhead of the respondent – university, nor it has any outward number. When the official procedure is not followed, respondent No.2 has not considered the said letter. Respondent No.2 has received the letter dated 12.07.2011 sent by respondent No.1 regarding grant/award of Rajiv Gandhi National Fellowship Scheme for

Scheduled Caste and Scheduled Tribe candidates - Upgradation of fellowship from Junior Research Fellowship to Senior Research Fellowship, however, the petitioner's name is not included in this letter. It shows that the name of the petitioner for upgradation of fellowship was not accepted by respondent No.1. Under the said circumstance, it was not awarded to the petitioner and at such belated stage, the petitioner cannot claim the same.

4. Heard learned Advocate Mr. G. J. Karne for the petitioner, learned Advocate Mr. B. B. Kulkarni for respondent No.1 and learned Advocate Mr. U. S. Malte for respondent No.2 (Through Video Conferencing). In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

5. The first and the foremost fact to be noted here is that when a person claims that the fellowship/scholarship should be given to him or her, then it is his/her bounden duty to show that the proper procedure has been followed, that too within limitation and such candidate's name was recommended by the initial authority. Perusal of the papers produced by the petitioner does not show that her name was recommended within limitation, as stated in the affidavit-in-reply. As regards the rules and regulations are concerned, those are formed by University Grants Commission in respect of said fellowship scheme. They are produced on record. Even if for the sake of arguments it is to

be noted that the petitioner's performance was evaluated by the committee, yet there was no correspondence between respondent Nos.1 and 2 within time and respondent No.1 had never recommended the name of the petitioner, when admittedly respondent No.1 had sent letter on 12.07.2011 regarding grant/award of fellowship under the said scheme. The specific document has not been produced by the petitioner. Therefore, when her name itself was not recommended, we cannot take this to be a fit case where we should exercise our constitutional powers.

6. Another fact to be noted is that the petitioner had completed her M.Phil. between 2007 to 2009. The enhanced scheme for scholarship would have started immediately thereafter in view of the said scheme. The petitioner got her registration for the Ph.D. degree on 03.09.2010 and got her Ph.D. on 26.02.2019, still the present petition has been filed in the year 2021. There is no explanation for the delay. Mere correspondence for the years in between will not be sufficient and, therefore, for these reasons, we do not find any merit in the present writ petition. It deserves to be dismissed. Accordingly, the writ petition stands dismissed.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm