



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8909 OF 2023

Gayatri D/o. Ravikumar Yelvikar
Age : 19 Years, Occu. Student
R/o. In front of Shivaji Vidhyalaya,
CIDCO, Babulgaon, Dist. Nanded.

VERSUS

1. The State of Maharashtra
Through Social Justice and
Special Assistant Department,
Mantralaya, Mumbai.
2. The State of Maharashtra
Thrgouh VJNT Department
Social Welfare Department
Mantralaya, Mumbai.
3. Assistant Commissioner
Social Welfare Department
Dr. Babasaheb Ambedkar
Social Justice Bhavan
Opposite Gnyanmata School, Nanded.
4. The Tahsildar, Nanded
Tq. & Dist. Nanded.

Mr. G. L. Deshpande, Advocate for Petitioner
Mr. S. K. Shirse, AGP for Respondent Nos.01 to 04

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

DATE : 9th JANUARY, 2024.

JUDGMENT [PER S.G. CHAPALGAONKAR, J] :-

1. The petitioner approaches this court under Article 226 of the Constitution of India thereby assailing the communication/letter dated 15th November 2022 issued by the respondent No.3 - Assistant Commissioner of Social Welfare Department, by which the petitioner's claim for grant of scholarship has been rejected. Petitioner further seeks to issue writ of Mandamus directing the respondents to grant benefit of scholarship/freeship to the petitioner.

2. The contention of the petitioner is that she has been admitted to the first year of Bachelor of Fashion Design (Textile Designing) with the National Institute of Fashion Technology, Hyderabad for the academic term 2022 to 2026. The admission has been secured on the basis of all India rank in the competitive examination. The Government resolution dated promulgated on 13th March 2016 floated a scheme for freeship/reimbursement of education fees to the students admitted to private Un-aided educational institutions imparting professional education. According to the petitioner, the enhanced reimbursement up to ₹8,00,000 has been declared to such students in terms of Government resolution dated 1st January 2018. The petitioner submitted her proposal for freeship with the competent authorities in terms of GR, since the application of scheme was further extended even to the students from Maharashtra, pursuing professional education in other states. However, under the impugned communication dated 15th November 2022, the proposal of the petitioner came to be turned down giving erroneous reason that the annual income of the petitioner's family is Rs.6,70,289/- i.e. beyond eligibility criteria of maximum income of

₹6,00,000. As such, the scheme promulgated under the Government Resolution dated 30th March 2016 and further clarified under Government circular dated 12th September 2022 has no application in the case of the petitioner.

3. Mr Gaurav Deshpande, learned Advocate for the petitioner, would invite attention of this Court to the Government Resolution dated 25th March 2022 to contend that the scheme is very much applicable to the students of special backward classes. As per the Government resolution dated 1st January 2018 the maximum income criteria of the parents has been enhanced from ₹6,00,000/- to ₹8,00,000/- for the purpose of eligibility to bestow the benefit of the scheme. The petitioners family income being less than ₹8,00,000, she would be entitled for the benefit of the freeship/reimbursement of education fees. However, impugned communication records perverse reason and wrongly denies the benefit of the scheme to the petitioner.

4. Per contra, Mr. S.K. Shirse, learned AGP appearing for the respondent Nos. 1 to 4 supports the impugned communication and submits that the petitioner being the student of education institution situated outside the State of Maharashtra, the scheme under Government Resolution dated 31st March 2016 has no application in the present case. He would further submit that the enhanced income criteria under government resolution dated 1st January 2018 is applicable only for students found eligible under the basic scheme under GR dated 31st March 2016. Both these GRs deal with students admitted in the educational institutions within the state of Maharashtra. He would, therefore, justify the impugned communication and urge to reject the

petition.

5. We have carefully considered the submissions advanced on behalf of the respective parties. We have perused the Government Resolutions dated 31st March 2016, 1st January 2018 and circulars dated 12th September 2022 and 25th March, 2022.

6. Having considered the aforesaid Government resolutions and circulars, apparently, the scheme under Government Resolution dated 31st March 2016 is applicable to the students admitted in the private unaided educational institutions within the state of Maharashtra. The students belonging to the Schedule Castes, Schedule Tribes and Backward classes etc. are extended the benefit of reimbursement of educational fees with effect from the academic year 2015-16. It does not speak about the students admitted in the educational institutions outside the State of Maharashtra. The Government Resolution dated 1st January 2018, appears to have been issued only for the purpose of enhancement of maximum income cap of parents from ₹ 6,00,000 to ₹ 8,00,000 to fit in eligibility criteria for reimbursement of fees of student.

7. The circular dated 12th September 2022 or 25th March 2022 relied upon by the petitioner pertains to the reimbursement of fees as per Government of India Scholarship Scheme which is made applicable even for the students admitted outside the State of Maharashtra. However, the said scheme is applicable to the students from the backward classes, whose parents income is not more than ₹1.5 lakhs. The petitioner could not lay hands on any other scheme that entitles the reimbursement of

the education fees for students admitted to professional degree courses beyond Maharashtra state and whose parents income is more than ₹1.5 lakhs.

8. Apparently, the claim of the petitioner is based on misreading of the aforesaid Government Resolutions and circulars. The impugned communication rightly states that the scheme under the Government Resolution dated 31st March 2016 has no application in the case of the petitioner and the scheme under the government circular dated 12th September 2022 would not apply to the case of the petitioner since his parent's Income is ₹ 6,70,269/-.

9. Taking overall all survey of the matter, no case is made out to cause interference in exercise of extraordinary jurisdiction of this court under Article 226 of the Constitution of India., the petition sans merit, hence dismissed.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-