

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1888 OF 2024

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Date: 2024.08.16
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Aarya Jaysinha Pawar

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Adv. Niranjan Bhavake i/b Chaitali Pachpute for the Petitioner.

Adv. Rajesh Tekale for the Respondent No.4.

Ms. S. S. Bhende, AGP for Respondent Nos. 1 and 2.

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 14, 2024

P. C.

1. The above Writ Petition is filed seeking a direction to Respondent Nos. 1 and 2 for granting a foreign scholarship to the Petitioner.

2. The Petitioner claims to be a student and studying Masters of Science OEP-Biology at the University of Bonn in Germany. According to the Petitioner, she is highly educated and obtained 83.80% marks in the 10th

Standard and 65.23% marks in 12th Standard. After this, the Petitioner secured an admission in Fergusson College for B.Sc Zoology and passed with first class and distinction in 2018. The Petitioner claims to be a scholar student in her field and a well behaved student in life.

3. According to the Petitioner, Respondent No.1 released a Government Resolution (GR) in 2018 for scholarships for open category students who wanted to pursue education abroad in various categories listed in GR. According to the Petitioner, she secured admission in the University of Bonn and an offer letter was sent by the University to the Petitioner on 22nd July, 2020. The Petitioner has been taking the aforesaid education in the University of Bonn and has now completed her education in September, 2023. The present Petition is filed seeking assistance from the Government by way of a scholarship because according to the Petitioner, her ranking of Serial No.17 is incorrect as the marks have been wrongly calculated.

4. The Government, namely, Respondent Nos. 1 and 2 have filed a detailed affidavit in reply to the above Writ Petition. In the said reply, the Government has, in detail, explained the total marks obtained by the Petitioner and why they have listed her at Serial No.17. There is an affidavit in

rejoinder filed by the Petitioner stating how the marks are incorrectly calculated.

5. We find from the record, and especially after going through the affidavit in reply and affidavit in rejoinder, that there are serious disputed questions of fact in the above matter. This is one of the grounds on which we are not inclined to entertain the above Writ Petition. Further, we fail to understand as to how the Petitioner can apply for a scholarship for a course which she has already completed and paid for. For all these reasons, we find absolutely no merit in the above Writ Petition. It is completely frivolous.

6. Under normal circumstances we would have dismissed the above Writ Petition with heavy costs. However, considering that the Petitioner is a student, purely out of mercy, we refrain from doing so. The Writ Petition is accordingly dismissed. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONTWALLA, J.]

[B. P. COLABAWALLA, J.]