



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5064/2023

Ku. Krutika d/o Vijay Meshram and another

...Versus...

State of Maharashtra, through its Secretary, Social Welfare and Special Assistance Department, Mantralaya, Mumbai – 400 032 and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. M.V. Samarth, Sr. Advocate a/b Mr. C.M. Samarth, Advocate for petitioners
Mr. D.V. Chauhan, Government Pleader for respondents/State

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATE : 09/05/2024

CIVIL APPLICATION (CAW) NO.1263/2024

1. The application has been filed for amendment to the petition.
2. Though opposed by the learned Government Pleader for the respondents/State, considering the nature of the relief, the amendment is allowed. The amendment to be carried out forthwith.
3. The civil application is allowed and disposed of accordingly. No order as to costs.

WRIT PETITION NO.5064/2023

1. Mr. Chauhan, learned Government Pleader for the respondents has tendered across the bar a communication dated 08/05/2024 by the Assistant Commissioner (Education) Social Welfare Commissionerate, Maharashtra State, Pune, which indicates that in the current academic session 2024-25, the subject of Architecture is treated as an independent subject and four seats for the students for satisfying the criteria are reserved for grant of scholarship. The document is taken on record and marked as "X" for the purpose of identification.

2. That, however, does not resolve the issue as the claim of the petitioner-student is for grant of scholarship for the academic year 2023-24. Though the petitioner-student has taken admission in the Melbourne University at Australia, the claim still survives. The amended petition indicates that for the subject of engineering, the persons at serial nos.14 to 22 of the wait-list have not communicated their programme for departure within the time frame and therefore, it is contended that their claim is lost having lapsed.

3. The entire issue stems from the advertisement dated 18/05/2023 (pg.42), by which, applications were invited for scholarship to foreign institutions for the academic year 2023-24, in which, at item no.34 the subject Architecture which in fact ought to be an independent subject as is now recognized by the communication dated 08/05/2024, but was

treated as a part of science stream, as a result of which, the number of scholarships available got drastically reduced.

4. The learned Government Pleader, on principle, does not dispute that Architecture is an independent stream and cannot be termed as a part of science stream, which is acknowledged by the State by virtue of communication dated 08/05/2024. This is also spelt out from the Government Resolution dated 04/10/2018, which is a scholarship scheme by the State for the open category, in which, the subject of Architecture is shown as a part and parcel of the engineering stream. It is, therefore, apparent that the State itself acknowledges the subject of Architecture to be a part of the engineering stream and the inclusion of subject in the science stream in the advertisement dated 18/05/2023 can be said to be on account of technical error.

5. That being the position, in our considered opinion, the advertisement dated 18/05/2023 (pg.42), in fact, could not have included the subject of Architecture in the science stream but the subject ought to have been included in the engineering stream. However, without going into this position, since it is now indicated that the candidates in the wait-list in the engineering stream have not joined, the application of the petitioner-student, can be considered in the engineering stream, if the petitioner is otherwise eligible. We, therefore, dispose of the writ petition by directing the respondent no.1 to consider the application of the petitioner-student for

scholarship for the academic year 2023-24 by considering her in the engineering stream, in case all other requirements are fulfilled. This shall be done as early as possible.

6. In the circumstances, there shall be no order as to costs.

(SMT. M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)