



CWP-11726-2021

-1-

245

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-11726-2021
Date of Decision: 16.07.2024**

Malkit Kaur

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Malkit Kaur, Petitioner in person.

Ms. Gurmeet Kaur Gill, Senior Panel, Counsel,
for respondent No.1-UOI.

Mr. A.S. Pannu, AAG, Punjab,
for respondents No.2, 3 and 5.

Mr. Aminder Singh, Advocate,
for respondent No.4.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to release the Financial Assistance to the petitioner under the Centrally Sponsored Scheme of Post Matric Scholarship (Annexure P-5 dated April, 2018 and P-6 dated 31.12.2020) to the students belonging to Scheduled Caste for studies in India and further praying that respondent No.4 be restrained from charging the balance course fee from the petitioner and also to direct respondent No.4 to refund the course fee already charged from her. With a further prayer in the nature of *certiorari* for



quashing the impugned order (Annexure P-27) vide which the case of the petitioner has been rejected for Post Matric Scholarship.

2. Ms. Malkit Kaur, Petitioner appearing in person submitted that it is a case where the petitioner belongs to reserved category of Scheduled Caste and she took admission in respondent No.4-Aryans Group of College for pursuing her studies in the course of LLB (three years course) in the year 2018. The State of Punjab grants Post-Matric Scholarship for reserved categories on the basis of Scheme envisaged by the Government of India and the amount is paid to the respective college where the students take admission for the purpose of pursuing their studies. She further submitted that after taking admission in the aforesaid College, she submitted an application on a prescribed performa dated 06.11.2018 for grant of Post-Matric Scholarship on the basis of her category vide Annexure P-9 and the same was not only received by the College but it was also forwarded by the College to the Director, SC & BC, Welfare, Punjab Government of Punjab, regarding which, there is no dispute. However, the petitioner was not granted the aforesaid benefit only on the ground that the petitioner did not apply through online mode on the portal and instead she had given the aforesaid application physically i.e. through offline mode. She further submitted that as per the Centrally Sponsored Scheme of Post-Matric Scholarship to the students belonging to Scheduled Castes for studies in India, the Government of India, Ministry of Social Justice & Empowerment had issued this Scheme in the month of April, 2018 which is annexed along with the present petition as Annexure P-5 and while referring to the aforesaid Scheme, she referred to Clause-XIII, which pertains to the



Procedure for applying in which it has been so specifically stated that an application for scholarship can be made online on scholarship portal where available and in hard copy otherwise. The aforesaid Clause-XIII is reproduced as under:-

“XIII. Procedure for applying

(i). An application for scholarship can be made online on scholarship portal where available and in hard copy otherwise Where applying online, the documents may be scanned and uploaded. Hard copy of application uploaded will be submitted as per the requirement of portal where application has been made. Every application whether done online or in hard copy will at the minimum compulsorily include:

- a. One copy of the application for scholarship in the prescribed form.***
- b. One copy of the passport size photograph with signatures of the student therein (for fresh scholarship).***
- c. One self-attested copy of certificates, diploma, degree etc. in respect of all examinations passed.***
- d. A certificate of Caste duly signed by an authorized Revenue Officer not below the rank of Tehsildar.***
- e. Income declaration of self-employed parents/guardian should be in the form of a certificate issued by Revenue Officer not below the rank of Tehsildar. Employed parents/guardians are required to obtain income certificate from their employer. Employed parents/ guardians should obtain consolidated certificate from Revenue officer for any other additional source of income.***
- f. Application for scholarship should be submitted by student by 30th November of the academic year in which he is studying, provided that for valid reasons State authorities may extend the last date.***

(Note: Where hard copy is submitted all copies should be self-attested)

(ii). Application complete in all respects shall be submitted to the Head of the Institution, being attended



or last attended by the candidates and shall be addressed to an officer specified for this purpose by the Government of State/Union Territory to which the student belongs, in accordance with the instructions issued by them from time to time.

3. The petitioner further submitted that in this way as per the Scheme of the Government of India, the application could have been filed on online basis and also on offline basis, which is clear from the aforesaid Procedure for applying. She also submitted that the reason as to why she could not apply on the online portal was that when she tried to apply on online portal, the software of the online portal did not accept the same because there was a specific icon pertaining to the age and as per the Notification of the Government of Punjab, the candidates, who are eligible for applying online, their age must be less than 40 years and therefore, the software did not proceed. She also submitted that it was not due to fault on her part but because of the built software structure where it could not pick up any application where the mandatory column is not filled up and consequently, she applied by way of offline method, which is duly forwarded by the College. She submitted that thereafter, she was informed by the respondents vide Annexure P-19 on 15.01.2021 by the Directorate, Social Justice, Empowerment and Minority Department, Government of Punjab in reply to the representation given by her that due to the upper age limit relaxation, she can now apply on the online portal because the age limit has been removed from the portal. She further submitted that thereafter, she again applied on online portal vide Annexure P-20, but again it did not proceed and the portal did not pick up on the basis of the specification of the



petitioner. She further submitted that in this way, she has been deprived of the Post-Matric Scholarship because of the technical difficulties of the respondent-Department and not because of the fault of her and therefore, she was entitled for grant of Post-Matric Scholarship, if otherwise she was entitled by ignoring the fact that she applied only by way of offline method and not online method.

4. On the other hand, Mr. Amrinder Singh, learned counsel appearing on behalf of the respondent-College submitted that when the petitioner applied by way of offline method vide Annexure P-9, then the same was duly forwarded by them to the Director, SC & BC, Welfare, Punjab Government of Punjab and they have no objection in case the Government of Punjab grants permission in this regard.

5. Mr. A.S. Pannu, learned AAG, Punjab, while referring to the reply filed by the respondent/State, submitted that the sole reason for non-acceptance of the form was that the petitioner applied on offline basis and not online basis and in this regard, he referred to the Notification of Government of Punjab (Annexure R-2) dated 22.07.2016 which was issued by the Government of Punjab wherein it has been specifically provided that under the Scheme, only online applications received on the portal prepared by the Welfare Department will be considered. The applications received manually and with a delay will not be considered. The relevant portion of Para 10 of the aforesaid Notification vide Annexure R-2 is reproduced as under:-

“10. Under the Scheme only online applications received on the portal prepared by the Welfare Department will be



considered. The applications received manually and with delay will not be considered.”

6. Learned State counsel further submitted that since the petitioner did not submit the form on online portal in pursuance of the aforesaid Notification, she was not entitled for grant of Post-Matric Scholarship.

7. I have heard the learned counsels for the parties.

8. The only short point involved in the present case is that the petitioner had applied for the Post-Matric Scholarship when she got admission in respondent No.4-College for pursuing her studies in the course of LLB (three years course). Vide Annexure P-9, she had applied on offline basis and not online basis because of the reason that the software was not picking up the form as her age was more than 40 years and it was specified in the software that the applicant has to be less than 40 years of age and therefore, she had no option but to submit her application by way of an offline manner. Reference was also made by the petitioner vide Annexure P-5 which is a Policy of the Government of India wherein as per Clause-XIII, the application can be filed by both online and offline mode. Even otherwise also, later on, in the year 2021, the State of Punjab had written a letter to the petitioner that she can apply online again because the age limit has been removed. The only stand which has been taken by the respondent/State in the reply and also in the submissions made by the learned State counsel was that she did not fulfill the condition No.10 of the Notification dated 22.07.2016 (Annexure R-2) as reproduced above which requires that she had to apply on online portal, she is not entitled for the aforesaid Post-Matric Scholarship.



9. The stand which has been taken by the College is that when the petitioner applied by way of offline method, they duly forwarded the same to the Government of Punjab and therefore, they have no objection, in case, the Government of Punjab gave Post-Matric Scholarship to the petitioner in accordance with law.

10. After hearing the learned counsels for the parties, this Court is of the considered view that undisputedly the portal of the respondent-Department had provided that only those candidates can apply, who are less than 40 years, then there was no question of the further processing of the application of the petitioner, who was more than 40 years and therefore, the petitioner was constrained to file the application by way of offline method and which is not disputed by any of the parties. Rather the counsel for the respondent-College has specifically stated that in the year 2018, the application filed by the petitioner vide Annexure P-9 was duly forwarded to the Government of Punjab. In the year 2021, the State of Punjab rather itself had written to the petitioner vide Annexure P-19 that the age bar has been removed and now she can apply online. It is a case of the petitioner that she again applied on online portal vide Annexure P-20, but again it did not proceed and the portal did not pick up on the basis of the specification of the petitioner. In such a situation, this Court is of the considered view that heavens were not going to fall in case because of the aforesaid technical glitch and technical difficulty, the petitioner could not apply online and once the application has already been forwarded to the Government of Punjab, then it was bounden duty of the Government of Punjab to have considered and processed the application in accordance with law.

**CWP-11726-2021****-8-**

11. In view of the aforesaid peculiar facts and circumstances, the present petition is allowed. The respondent/State is directed to consider the application of the petitioner (Annexure P-9) in accordance with law by ignoring the fact that she had applied on offline basis. The State will not reject the claim of the petitioner for Post-Matric Scholarship only on the ground that she had applied by way of offline method. If the petitioner is found entitled for Post-Matric Scholarship, then the same shall be paid to the petitioner in accordance with law within a period of two months from today.

16.07.2024*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |