



2024:DHC:700



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1310/2024**

NAINY GOEL & ORS. Petitioners
Through: Mr. Abhik Chimni, Mr. Saharsh Saxena, Mr. Anant Khajuria and Ms. Riya Pahuja, Advs.

versus

JAWAHARLAL NEHRU UNIVERSITY Respondent
Through: Ms. Monika Arora, Standing Counsel with Mr. Subhro Deep Saha and Mr. Ranjeet Kumar, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)
30.01.2024

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W.P.(C) 1310/2024

1. The petitioners were registered in M.Phil./ Ph.D. programs in the centres of Jawaharlal Nehru University (JNU). From the date of their admission, the petitioners were receiving the UGC non-NET (National Eligibility Test) fellowships from the JNU. Thereafter, the petitioners qualified in the UGC NET examination and started receiving the UGC fellowship for JRF/MANF/NFSC/SVSGC/NFST from the UGC. The petition refers to this second fellowship as the “UGC Higher Fellowship” and this order also uses the same terminology.



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2. As there was certain period for which both the fellowships overlapped, the overlapping amount was recoverable from some of the petitioners. The following tabular statement has been provided in the petition regarding the extent to which recoveries could be made from the petitioners:

S.No.	Petitioner	NON-NET Fellowship Period	UGC Higher Fellowship Period	Overlapping Period	Amount for Overlapping period (Approx. in ₹)
1.	Nainy Goel	29.07.2016 to 31.12.2016	01.1.2017 to 31.12.2021	No Overlapping period	No Overlapping period
2.	Nitika Dhingra	31.07.2015 to 21.07.2017	29.05.2017 to 29.05.2022	29.05.2017 to 21.07.2017	12,871/-
3.	Datngenglut Suchiang	25.01.2022 to 31.10.2022	05.11.2022 to 05.11.2027	No Overlapping period	No Overlapping period
4.	Nitika Sharma	22.07.2018 to 19.09.2021	19.02.2022 To 19.02.2027	No Overlapping period	No Overlapping period
5.	Ilyas Ahmad	08.08.2016 to 08.01.2017	06.01.2017 to 31.01.2022	06.01.2017 to 08.01.2017	500/-
6.	Jyoti Phulera	27.07.2013 to 05.01.2017	31.07.2018 to 30.07.2023	No Overlapping period	No Overlapping period
7.	Tarkeshwar Kumar	03.08.2015 to 05.01.2016	01.01.2016 to 31.12.2021	01.01.2016 to 05.01.2016	1,290/-
8.	Swapnil Sree	27.07.2017 to 18.02.2022	19.02.2022 to 31.05.2024	No Overlapping period	No Overlapping period
9.	Annu Devi	29.07.2016 to 31.12.2016	01.01.2017 to 31.12.2021	No Overlapping period	No Overlapping period
10.	Shashi Prakash Singh	28.07.2015 to 30.09.2015	1.10.2015 to 30.09.2020	No Overlapping period	No Overlapping period
11.	Saket Kumar	31.07.2015 to	30.11.2020 to	No Overlapping	No Overlapping

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	Arya	29.11.2020	30.11.2025	period	period
12.	Abdur Rahman	01.08.2016 to 15.09.2016	15.09.2016 to 15.09.2021	No Overlapping period	No Overlapping period
13.	Afsara Ayub	04.08.2015 to 21.11.2016	21.11.2016 to 21.11.2021	21.11.2016 to 28.02.2017	16,666/-

3. On the ground that, by virtue of Office Order dated 11 February 2008 issued by the JNU, it was not permissible to avail scholarship from the UGC or the Union Government for a period in excess of five years, the JNU recovered the entire UGC non-NET fellowship amount paid to the petitioners.

4. The writ petition points out that, as per the judgment of this Court in *Sonali Bhatia v. Jawaharlal Nehru University*¹, a student could avail the UGC non-NET fellowship till the point where he qualified to get benefit under any other fellowship and recovery of the amount paid under the UGC non-NET fellowship could be made only to the extent there was an overlapping period during which the student received the amount under both the fellowships.

5. In its subsequent decision dated 22 December 2023 in *Farah Shahin v. Jawaharlal Nehru University*², another Bench of this Court extended the relief in *Sonali Bhatia* to other similarly placed petitioners.

6. It is, therefore, submitted, on the anvil of the decisions in *Sonali*

¹ Judgment dated 16 May 2023 in W.P.(C) 16713/2022, W.P.(C) 16770/2022, W.P.(C) 594/2023 and W.P.(C) 2086/2023,

² Judgment dated 22 December 2023 in W.P.(C) 16704/2023.



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Bhatia and **Farah Shahin**, that the recoveries made from the petitioners in excess of the amounts shown in the table extracted in para 2 *supra*, be directed to be returned to them.

7. Mr. Saha, learned Counsel for the JNU fairly acknowledges that the dispute is covered by the decisions in **Sonali Bhatia** and **Farah Shahin**.

8. Accordingly, the JNU is directed to return, forthwith to the petitioners, the amounts recovered from them in excess of the amounts reflected in the table extracted in para 2 *supra* within a period of four weeks from today.

9. This petition stands allowed accordingly with no order as to costs.

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10. This application does not survive for consideration and is disposed of.

C.HARI SHANKAR, J

JANUARY 30, 2024

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Click here to check corrigendum, if any