

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2089 OF 2024

Mr. Apoorva Rajesh Kamble

...Petitioner

Versus

1.The State of Maharashtra through Govt.
Pleader

2.Union of India (Social Justice and
Empowerment Department)

3.Secretary to the Government of India,
Ministry of Social Justice and
Empowerment Department.

4.Secretary to the Government of India,
Ministry of Social Justice.

5.The Deputy Secretary (SCD-V), Government
of India, Ministry of Social Justice and
Empowerment.

6.The Joint Secretary, Government of
Maharashtra, Social Justice and Special
Assistance Department

7.The Commissioner, Social Welfare,
Maharashtra State.

8.The Dy. Commissioner, Social Welfare,
Mumbai.

9.The Assistant Commissioner, Social Welfare
Department.

10.The Assistant Commissioner, Mumbai,
Social Welfare Department.

11.M/s. Bombay Flying Club.

...Respondents

Mr. Rajesh Khobragade, Advocate for the Petitioner.

Mr. Abhay Patki, Additional Government Pleader with Ms. Manisha
Gawade, Assistant Government Pleader for the Respondent Nos. 1 and 6
to 10/State.

Mr. Rui Rodrigues with Mr. Ajinkya Jaibhave, Advocate for the
Respondent Nos. 2 to 5.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 4th APRIL 2025

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P.C. :

1. Rule. Learned Counsel for the respective Respondents waive service. Rule is made returnable forthwith. Heard finally by consent.

2. By this petition under Article 226 of the Constitution of India, the Petitioner is seeking directions against Respondent Nos. 1 to 9 to treat the Petitioner's case as a special case and sanction scholarship for Commercial Pilot Licence ('CPL for short) within stipulated time. The Petitioner is also seeking directions to the Respondents to conduct practical training for requisite number of hours of flying experience to the Petitioner and thereafter grant CPL as part of the course. The Petitioner is also seeking direction to the Respondents to conclude Petitioner's practical training within stipulated time, as delay beyond 5 years would amount to lapse of theory papers.

3. The case of the Petitioner, in short, is as under.

3.1. The Petitioner cleared his 12th standard (Science) exam in February 2017. Since the Petitioner intended to become a commercial pilot, he approached Respondent No.11/ Bombay Flying Club and his name was selected for B.Sc. Aviation 2 (Two) years Course and 2 (Two) years CPL Course. This selection was for Academic Year 2017-18, 2018-2019 onwards. The Petitioner paid part-admission fees and applied for Scholarship under Post Matric Scholarship Scheme for Scheduled Castes ('PMS-SC Scheme' for short). He submitted required documents for scholarship under the said Scheme with Respondent No.10. Verification was conducted and necessary report was prepared. The Petitioner's proposal for scholarship was put up for approval before Respondent No.7 on 09.11.2017. Certain queries and objections were raised.

Pursuant to said queries, police verification was sought. Verification of the institution was carried out. Respondent No.10 vide its letter dated 18.01.2018 submitted detailed report to the Special Officer (BSC), Social Welfare Office Pune. Again further report on the Flying Club was called by the Commissioner.

3.2. In the course of procedure, the Deputy District Officer, Dhule also submitted a report, indicating that the Flying Club is having sufficient plane/s and helicopter/s and also having the Chief Flying instructor. The Additional Police Superintendent submitted its report to Respondent No.9 about functioning of the Flying Club and availability of ground training staff etc. Ultimately, under letter dated 19.06.2018, the Respondent No.7 requested Principal Secretary, Social Welfare to put the Petitioner's proposal for scholarship before the Central Government for approval.

3.3. The Joint Secretary to the Government of Maharashtra also issued letter dated 29.08.2018 requesting to treat the Petitioner's case as a special case and sanction Scholarship. By this time, the Petitioner had completed ground training and also obtained Student Commercial Pilot License and RTR (Radio Telephone Restricted) and had also cleared necessary written examination. Since the proposal for his scholarship did not move forward, a valuable year was lost and ultimately by Advocate's letter dated 18.12.2019, he called upon the Respondents to grant scholarship. The said request was also not heeded and therefore, the Petitioner again sent reminder through his Advocate on 29.02.2020. Further correspondence ensued and finally under letter dated 10.02.2021, the Joint Commissioner (Education), Social Welfare, Maharashtra State, Pune informed the Petitioner's Advocate that the

case of the Petitioner's scholarship has been recommended and the necessary proposal has been sent. In these circumstances, the Petitioner has approached this Court with prayers, as narrated above.

4. Learned Counsel for the Petitioner submitted that the Petitioner has completed all the necessary formalities for grant of scholarship and prayed that the petition be allowed.

5. Affidavit in Reply has been filed on behalf of Respondent Nos. 6 to 10 (State Authorities) highlighting all the steps taken by them in respect of Petitioner's request for scholarship.

6. Mr. Rui Rodrigues, learned counsel appearing for Respondent Nos. 2 to 5, by referring to Affidavit-in-Reply dated 17.12.2024, submitted that the scheme guidelines was revised in the year 2018 wherein CPL Course was not covered under the provisions of PMS-SC Scheme and the said decision of the Cabinet Committee on Economic Affair ('CCEA') was duly communicated to all the State Governments and Union Territories vide letter dated 03.05.2018. He submitted that the State Government has forwarded the Petitioner's case on 29.08.2018 which is after cutoff date i.e. 03.05.2018 when the scheme guidelines were amended, however the Petitioner's application was received with the State Government before the issuance of revised guidelines.

7. The Petitioner has filed affidavit-in-rejoinder dated 10.02.2025 contending *inter alia* that from the list forwarded/produced on record by Respondent Nos. 2 to 5 along with their Affidavit-in-Reply, it can be seen that the Petitioner is shown at Serial No. 15 in the list of pending

CPL applications with the State Government on or before revision of PMS-SC Scheme. It is pointed out that according to the said list, the date of receipt of the Petitioner's proposal by the Commissioner is 17.10.2017, which is prior to the cutoff date (03.05.2018).

8. We have considered the rival submission and perused the record.

9. From the facts and circumstances narrated above, it can be seen that the Petitioner's proposal for scholarship under PMS-SC scheme was received by the Commissioner prior to the scheme being modified under direction dated 03.05.2018. In fact, his proposal was received by the Commissioner on 17.10.2017 i.e. well in time. However, the proposal was sent by the State Government to Respondent No.5 vide letter dated 29.08.2018 which is after cut off date. Therefore, it cannot be said that the Petitioner was at fault. Therefore, it is necessary that the Petitioner's proposal be considered in accordance with the scheme and guidelines applicable as on the date of its receipt by the Commissioner i.e. on 17.10.2017.

10. On this limited ground, we deem it appropriate to dispose of this petition by following order.

- a) The Respondent Nos. 2 to 5 are directed to consider the Petitioner's proposal for the scholarship under PMS-SC Scheme, as per applicable guidelines and policy existing as on 17.10.2017 and take appropriate decision in accordance with law, within a period of 8 weeks from the receipt of this order.

(b) We have not expressed any opinion on the Petitioner's eligibility as per applicable scheme and guidelines.

11. The Writ Petition is disposed of and the Rule is made absolute in the above terms. No order as to costs.

12. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)