
(2016) 07 P&H CK 0232
In the Punjab And Haryana At Chandigarh
Case No : LPA No. 976 of 2016(O&M)

Jairaj Singh Rathore

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 13-07-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Evidence Act, 1872 — Section 115

Citation : (2016) AIR(Punjab) 194

Hon'ble Judges : Mr. Surya Kant and Mr. Darshan Singh, JJ.

Bench : Division Bench

Advocate : Mr. Sajjan Singh, Advocate, for the Appellant; Ms. Palika Monga, DAG, Haryana, Mr. Harsimran Singh Sethi, Advocate, for the Respondent No. 2

Final Decision : Disposed Off

Judgement

Mr. Darshan Singh, J.—The appellant is aggrieved with the judgment/order dated 11.05.2016 passed by the learned Single Judge vide which the Civil Writ Petition bearing no. 17583 of 2015 filed by him has been dismissed.

2. In the writ petition, he has sought quashing/declaring illegal and arbitrary the impugned Communication dated 11.03.2015 and Eviction notice dated 19.08.2015, whereby the scholarship awarded to the appellant has been cancelled and he has been directed to leave the University campus in case of non-deposition of fee of Rs. 97,500/-. Further relief has been sought for issuance of a direction to respondent no.2 to consider and continue the registration of the appellant in the course of B. Tech (Mech.) on the same terms/scholarship on which he was admitted i.e. by waiving the complete tuition fee.

3. We have heard the learned counsel for the parties and carefully gone through the paper book.

4. Initiating the arguments, learned counsel for the appellant contended that there was no criteria for continuation of the scholarship at the time of admission.

The only condition put-forward by the respondent-University for grant of scholarship was the academic performance of the candidates in the qualifying course or the rank obtained in JEE(Main). The University has illegally introduced the criteria for continuation of scholarship in between the course. The framing of such criteria during the course of studies is arbitrary and is barred by principle of estoppel. The respondent-University has taken the undue benefit of its controlling powers. The respondent-University has also illegally imposed the condition that in case of withdrawal of admission by any student during the Degree Programme, he will be liable to return the entire scholarship/stipend awarded by it, which reflects the mala fide intention of the University.

5. He further contended that the appellant belongs to a poor financial background and will not be able to pay the expensive fee structure of the respondent-University. The career of the appellant shall be spoiled. Thus, he contended that the action of the respondent-University and the impugned judgment/order passed by the learned Single Judge are not sustainable in the eyes of law.

6. On the other hand, learned counsel for the respondent no.2 contended that the University has rightly framed the criteria for continuation and retention of the scholarship. The performance of the appellant was not only bad in academics but also in other spheres. He indulged in drinking and smoking in the campus and also use the mobile phone for unfair means. So, he was not entitled for the scholarship.

7. We have duly considered the aforesaid contentions.

8. The appellant was admitted to B. Tech (Mech.) in respondent no.2- University. The appellant was offered scholarship (Plan-1) to cover 100% tuition fee in view of the rank obtained by him in JEE (Main). The appellant has challenged the communication dated 11.03.2015 vide which he was informed that scholarship offered to him has been cancelled and the Notice of Eviction dated 19.08.2015 on the grounds that at the time of admission, he was made to believe that scholarship will be granted only on the basis of rank obtained in JEE (Main) and the said scholarship will cover 100% tuition fee till the end of the course from 2014-2018. The later criteria/condition framed by the University for continuation of the scholarship is alleged to be illegal and arbitrary.

9. There can be no dispute that the object of awarding scholarship to the meritorious students is to achieve the highest academic performance during the course. The criteria for continuation and retention of scholarship framed by the respondent-University on the basis of continuous performance of the student and discipline does not seems to be unreasonable or arbitrary. The appellant has very much signed the said criteria for continuation and retention of scholarship of students in B.Tech Degree Programme on 03.08.2015. Thus, now he cannot allege the said criteria to be illegal. Learned Single Judge has rightly observed that the basic idea to provide the scholarship to meritorious students is to

maintain their academic standards continuously till the end of their course and in case they deviates from their academic standards, the scholarship provided towards exemption of tuition fee can always be withdrawn.

10. No doubt, the appellant was meritorious student when he secured the rank in JEE (Main), but thereafter, he has failed to maintain the academic standards and also indulged in misconduct and indiscipline in the University campus. Therefore, the impugned communications/orders passed by the respondent-University cannot be stated to be illegal.

11. Consequently, we have no reason to differ with the findings recorded by the learned Single Judge. But at the same time it is not the end of the day, we expect that the appellant, who was a meritorious student in the beginning, will come up to the expectations of the respondent-University in maintaining the academic standards and good behaviour. We hope that on achieving the said standards, the respondent no.2-University shall consider the case of the appellant to extend the benefit of scholarship as per the policy.

12. Thus, the present appeal stands disposed of accordingly.