
(1986) 11 OHC CK 0019

In the Orissa High Court

Case No : Original Jurn. Case No. 2196 of 1986

Madhumati Agrawala

APPELLANT

Vs

Utkal University and Another

RESPONDENT

Date of Decision : 13-11-1986

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : AIR 1987 Ori 124 : (1987) 63 CLT 440

Hon'ble Judges : K.P. Mohapatra, J;B.K. Behera, J

Bench : Division Bench

Advocate : A. Patnaik, J. Das, L. Pansari and N.C. Patnaik, for the Appellant; G.P. Mohanty, P.S. Mohanty and B.N. Prasad, (for No. 1), Sanjeet Mohanty, Debasis Das and S. Choudhury, (for No. 2), for the Respondent

Final Decision : Dismissed

Judgement

Behera, J.—Madhumati Agrawala or Shaheen Nilofer -- who of the two would be entitled to be the recipient of the General Research Scholarship for Sociology available in the Utkal University for this year? This is the question for consideration in the writ application under Article 226 of the Constitution of India made by the petitioner Madhumati Agrawala in which the Utkal University figures as the opposite party No. 1 and Shaheen Nilofer, who has been adjudged to be the best among the candidates applying for the scholarship, as the opposite party No. 2. The petitioner claims that although a student of Political Science, having done research work in Sociology as would be evident from the certificates as per Annexures 4 and 5, she is entitled to be considered for this scholarship.

2. Appearing on behalf of the petitioner, Mr. Patnaik has submitted forcefully that although the petitioner has not done her M.A. in Sociology, she is entitled to be considered for this scholarship, but has been discriminated against. This contention has been resisted by Mr. G. P. Mohanty for the University and Mr. Sanjeet Mohanty appearing for the opp. party No. 2 On a consideration of the materials placed before us, we do not find any justification for upholding the

legal contention raised on behalf of the petitioner that there has been infringement of Article 14 of the Constitution of India and factually we find that there is nothing for the petitioner to bring home about.

3. Article 14 of the Constitution forbids discrimination and there would be no discrimination where the classification making the differentia fulfils two conditions, namely (i) that the classification is founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group; and (ii) that that differentia has a rational relation to the object sought to be achieved by the impugned legislative or executive action. "Equality before law" or "equal protection of the laws" within the meaning of Article 14 means absence of any arbitrary discrimination by the law or in their administration. The classification permissible must be based on some real and substantial distinction, a just and reasonable relation to the objects sought to be attained and cannot be made arbitrarily and without any substantial basis. See *Ajay Hasia and Others Vs. Khalid Mujib Sehravardi and Others*, and *Om Prakash Sud and Others Vs. State of Jammu & Kashmir and Others*, .

4. Annexure-1 prescribes the procedure for grant of scholarships and Annexure-2 inviting applications for scholarships reads :

"Utkal University Advertisement

Applications in the prescribed form are invited along with attested copies of Certificates and Marksheets of examinations passed beginning from H. S. C. onwards for the following fellowships and scholarships. The last date for receipt of application is 12th May 1986.

1) General Research Scholarships in Statistics, Commerce, English, Oriya, Sociology, Labour Welfare, Physics, Geology, Vani Vihar having one fellowship in each subject having a fellowship of Rs. 400/-P. M.

2) General Research Scholarship two (2) and General Research Fellowship 1 (one) in Analytical and Applied Economics, Vani Vihar having a fellowship " Rs. 400/- P. M."

A first or higher second class Master's Degree in the subject having a good academic record is essential for the each post of fellowship.

XX XX XX XX "

It is clear from this advertisement that a first or second class Master's Degree in one of the subjects mentioned therein having a good academic record is essential for each post of fellowship. The relevant subject in the instant case is Sociology. The fact remains that the petitioner has not obtained a degree in sociology while the opposite party No. 2 has. On the face of it, therefore, the petitioner is not entitled for consideration for award of this scholarship although she may have done some research work in Sociology after doing her M. A. in Political Science.

5. It cannot legally and reasonably be said that Annexure 2 offends the provision

contained in Article 14 of the Constitution. On a consideration of the cases of the applicants who had Master's degree in Sociology, the opposite party No. 2 has been considered to be the best among the candidates belonging to one class and similarly placed.

6. We thus find that the writ application is devoid of merits and it is accordingly dismissed leaving the parties to this proceeding to bear their own costs.

K.P. Mohapatra, J.

7. I agree.