

(2011) 08 AHC CK 0256

In the Allahabad High Court

Case No : Writ Petition No. 11540 (MB) of 2008

Meydha (Meritorious Education for Youths Development and Humane Activities)

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 29-08-2011

Acts Referred:

Constitution of India, 1950 — Article 14, 15(4), 21, 38, 41

Citation : (2011) 8 ADJ 578

Hon'ble Judges : Ritu Raj Awasthi, J; Pradeep Kant, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Pradeep Kant, J.—Just as eyes keep a constant watch over the whole body always, similarly the King [now State] should assume the role of being the watchdog of Truth and Law. The King [State] is the Truth and Law, the high family, father or mother. He is the doer of welfare of all persons. Just as the father or mother cannot sway from keeping welfare of their child, so also the State must not sway from its constitutional obligation to do welfare of its subjects. This is the cause for which this public interest litigation has been preferred by one registered society MEYDHA (Meritorious Education for Youths Development & Humane Activities) through its Founder President Sri Laxmi Kant Shukla, appearing in person.

2. The Government Orders dated 29.05.2008 and 31.05.2008 issued by Principal Secretary, Social Welfare Department, Government of U.P. and Special Secretary, Backward Class Welfare Department, Government of U.P. are under challenge in this Public Interest Litigation.

3. The impugned Government Orders modified the freeship policy of reimbursement of non-refundable fee being provided under the Government Orders dated 11.08.2006 and 21.02.2007 read with Government Order dated 16.08.2004 to the students doing their matriculation or pursuing their studies

after matriculation and belonging to the General category or other backward class whose parents' annual income was below rupees one lakh.

4. Under the pre-modified policy, the compulsory non-refundable admission fees including enrollment/registration, tuition, games, Union, Library, Magazine and Medical Examination fees payable to any University/Board was borne by the State but caution money, security deposit and such other refundable deposits were not subject to freeship. By the impugned Government Orders, the State curtailed the non-refundable admission fees payable to the students of the general category or other backward class studying in private un-aided educational institutions to the rate prescribed by government institutions.

5. It is this executive action of curtailing the non-refundable admission fees to the General category and other backward class that is being said to be arbitrary and illegal for which the Petitioner has prayed for quashing of the impugned Government Orders dated 29.5.2008 and 31.5.2008 and to direct the State to continue to award freeship to General category and other backward class students as contemplated by the Government Orders dated 11.8.2006 and 21.2.2007.

6. On the other hand, learned Additional Advocate General Sri J.N. Mathur denied the curtailment of benefits under the freeship to be arbitrary. Sri J.N. Mathur stated that the financial constraint of the State made it inevitable for the State to restrict the benefits to the General category and other backward class arising under the pre-modified policy.

7. To briefly state the facts. The Government of India formulated a policy/scheme, namely, Scheme of Post-Matric Scholarship for Students belonging to Schedule Castes for studies in India which was given effect from 01.04.2003 for providing financial assistance to the Scheduled Castes studying at post-matriculation or post-secondary stage whose parents' annual income was below rupees one lakh.

8. The aforesaid policy was to be implemented by the State Governments whereas funds were provided by the Central Government. In pursuance thereof, the State Government by its Order dated 16.07.2003 brought in force the freeship policy for such Scheduled Caste and Scheduled Tribes students whose parents' annual income was below Rs. 49,000. The beneficiaries were entitled full fee reimbursement in Group-A courses i.e. Degree, Post Graduate level courses, M.Phil., Ph.D. and Post-Doctoral Research in Medical Sciences, Agricultural, Veterinary Science, Engineering etc. Thereafter, the State Government by another Order dated 18.06.2004 raised the annual income ceiling from Rs. 49,000/- to Rs. 1,00,000/- for being eligible to benefit from the Scheme.

9. By Order dated 16.08.2004, the State Government decided to offer freeship to the students of General category whose parents' annual income was below Rs. 19,884/- in rural areas and Rs. 25,556/- in urban areas. However, the State Government by its Order dated 11.08.2006 with a view to socially and

economically benefit people below poverty line decided that the freeship policy to the General category students to be provided with effect from the academic year 2006-07 on same terms and conditions as prescribed by the aforesaid Government Orders dated 16.07.2003 and 18.06.2004 for the Schedule Caste and Scheduled Tribes. Consequently, budgetary allocation was approved by the State Legislature in the year 2006-07. The students of the other backward class were also brought within the purview of the policy by Order of the State Government dated 21.02.2007 from the academic year 2007-08.

10. Budgetary allocation for the policy was approved by the State Legislature for the year 2007-08 and 2008-09 also. Thereafter, the modifications in the earlier Government Orders dated 11.08.2006 and 21.02.2007 for curtailing the aforesaid benefits in freeship being provided to General category and other backward class students were decided at "Government level". The impugned orders were issued accordingly.

11. The State Government, however, by another subsequent Order dated 01.06.2008 directed, operation to impugned Order dated 31.05.2008 be given with retrospective effect i.e. from the academic year 2007-08. The State Government by Order dated 02.09.2009 confirmed the impugned government orders dated 29.05.2008 and 31.05.2008 to be in force. However, pursuant to the interim order of this Court dated 29.01.2009, the State Government by Order dated 01.10.2009 withdrew the Order dated 01.06.2008 and directed that students who secured admission before issuance of the impugned Orders would avail freeship according to the pre-modified policy until the completion of their respective course. Further, it was provided that freeship benefit would be available to those students according to pre-modified policy, who secured admission before 29.05.2009 i.e. on the date of adoption of the Report dated 15.05.2009 of the Departmental Committee constituted by the State Government, during the pendency of this petition, under the Chairmanship of the Social Welfare Commissioner to examine the matters concerning the pre-modified policy.

12. The State has tried to justify the impugned Orders dated 29.05.2008 and 31.05.2008 only on the ground that there was financial constraint on account of which the Government was compelled to modify the policy in the manner laid out in the impugned Orders. To justify financial constraint, the State relied on the aforesaid Report dated 15.05.2009 of the Departmental Committee.

13. It is stated that according to the findings of the Committee, in addition to the amount being charged by government institutions, additional sum of Rs. 76.98 crore for General category students and Rs. 274.57 crore for other backward class students was estimated to be required in the year 2008-09 and also sum of Rs. 267.71 crore for other backward class in the year 2007-08 amounting to total of Rs. 619.26 crores for outlay on continuing the curtailed facilities. It is stated that this Report dated 15.05.2009 was accepted by the Government on 29.05.2009 and accordingly the modification of the earlier policy done by

impugned Orders was confirmed by Government Order dated 02.09.2009.

14. The facts relating to the Report of the Committee and its acceptance by the Government as stated in the counter-affidavit have been challenged in the rejoinder affidavit and further clarified in the supplementary rejoinder affidavit by the Petitioner. The Petitioner has contended that the said Report dated 15.05.2009 of the Committee (though date incorrectly mentioned as 05.05.2009 in rejoinder affidavit) constituted vide office memorandum 10.02.2009 cannot be relied as the same cannot be placed before the State Government for approving the impugned Orders made much before the Committee was constituted.

15. We have considered the submission of the parties. We have also perused the Committee Report. We are of considerate opinion that there is force in the contention of the Petitioner.

16. The Report is contradictory in terms. It is stated in the Report that financial estimate was calculated on the basis of average fee rate after taking into account the number of students group-wise as per the information received by the Committee. However, the estimates contained in the Report and cited aforesaid by the State are those which were provided by the Social Welfare Department and Backward Class Welfare Department, respectively to the Committee for the year 2008-09 for the General category and the year 2007-08 and 2008-09 for the backward class.

17. There is nothing on record to show that the Committee considered all relevant material for arriving at a reasonable finding that additional funds were required for giving effect to the pre-modified policy. The provision for meeting the expenditure was adequately made in the budget for the years 2006-07, 2007-08 and 2008-09, in as much as stated in the budget documents of the Legislative Assembly annexed to the supplementary rejoinder affidavit, budget of Rs. 198.1142 crore for such General category students and Rs. 406.88 crore for other backward class students was approved by the State Legislature for the year 2008-09 out of which Rs. 4.73 crore was spent, as per the averments made in the counter-affidavit, on other backward class students until the impugned Orders were passed by State Government as on 31.05.2008.

18. However, so far as General category students" are concerned, there is No. statement in the counter-affidavit so as to suggest that there was any consideration by the State Government to discontinue freeship according to the impugned Order dated 29.05.2008.

19. The Committee was constituted in the year 2009 to assess the additional outlay required for the freeship policy. The freeship policy for the General category was in effect since the year 2006-07 and for the backward class since the year 2007-08. There must have been some expenditure towards the said policy which fact finds No. mention at all in the Committee Report. Hence we required the State to show the budget allocation and the actual expenditure incurred during the period 2006-07, 2007-08 and 2008-09 for the General

category and 2007-08 and 2008-09 for other backward class. It was clarified by the State that students of General category and also other backward class who are entitled for scholarship were provided freeship also. In the affidavit submitted to that effect, it is stated that for the Post Matric Scholarship Scheme for general category, total sum (plan and non-plan budget) of Rs. 258.1142 crores was available out of which the entire sum of Rs. 268.1142 crore was disbursed. Whereas, the budget document submitted to the State Legislative Assembly for the year 2010-11 shows expenditure of Rs. 256.3007 crore. No material with regard to the financial years 2006-07 and 2007-08 for the general category and 2007-08 and 2008-09 for other backward class has been provided to us except the budget documents annexed to the supplementary rejoinder affidavit of the Petitioner. The record also shows nothing to come to the conclusion that there was any material with the State to conclude that curtailment was necessary on account of financial constraint.

20. We, therefore, fail to follow that where was the occasion to take into account only the estimated outlay for the aforesaid financial years when actual expenditure made ought to have been considered. Unless it is shown, therefore, that relevant materials were considered indicating the circumstances that arose warranting the additional outlay for giving effect to the pre-modified policy, it cannot be said that the Committee arrived at its findings in a reasonable way.

21. It may be made clear at this juncture that this Court is not concerned with the actual findings but only with the decision-making process and it must be established that the actual findings have been arrived in a fair and reasonable manner on appreciation of the relevant material. To put it in other words, we are not concerned with the merits of the actual findings and would not substitute our own judgment on the basis of the said materials, but are concerned with the fact, whether, the findings in question were arrived at on the basis of relevant material in a fair and reasonable manner i.e. the decision making process did not suffer from arbitrariness, mala fides, bias or unreasonableness. Reference in this context, may be made to the recent decision of the Supreme Court in *Centre for PIL and Another Vs. Union of India (UOI) and Another*, wherein the appointment of Chief Vigilance Commissioner was challenged. The Supreme Court found that the High-powered Committee recommending the appointment of Chief Vigilance Commissioner ignored the noting on various records that penalty proceedings may be initiated against the appointee and the whole emphasis was placed on bio-data of the candidates without considering the larger perspective of institutional integrity including institutional competence and functioning of the CVC. The Supreme Court referring to its earlier decisions in *State of A.P. v. Nalla Raja Reddy*, AIR 1968 SC 1458 and *N. Kannadasan v. Ajoy Khose*, (2009) 7 SCC 1 found the recommendation of High-powered Committee to be arbitrary and therefore illegal observing that the Committee must have considered "relevant materials" and "vital aspects" having "nexus" to the Central Vigilance Commission Act, 2003 before recommending the appointee.

22. In this context, the Petitioner also contended that the Report is not justified because according to the Committee an additional outlay of Rs. 619.26 crore was required for the previous financial years 2007-08 and 2008-09. The Petitioner's contention that the Committee constituted in the year 2009 could not have taken into consideration the estimate for previous financial years, ought to have been justified and explained by the State Government who was under an obligation in view of specific objection being raised in the rejoinder affidavit in this regard but the State failed to do so.

23. It is also a relevant fact that Committee was constituted in the year 2009 to provide the State Government an estimate of the additional expenditure required if freeship is provided to such students according to the pre-modified policy. The State except the findings of the Committee and the outlay and expenditure for the year 2008-09 for the General category has not brought any additional fact on record to suggest that there was financial constraint obliging it to curtail the benefits according to the impugned Orders. Though the impugned Orders dated 29.05.2008 and 31.05.2008 No. doubt state that they were issued in concurrence of the Finance Department. But it does not improve the whole situation on account of the fact that the opinion of the Finance Department is only advisory in nature and secondly, there is nothing to indicate that all the relevant materials were independently considered by the Finance Department for arriving at its conclusions. At least, nothing has been mentioned in the counter affidavit to that extent and neither was argued before us.

24. Notice may also be taken of the fact that the Social Welfare Department and Backward Class Welfare Department could only submit estimates for additional outlay to the Committee for the years 2007-08 and 2008-09 and not the expenditure already incurred. We find therefore that at the time the impugned Orders were promulgated there was No. fact or relevant material available on record with the State Government to make an informed decision by sufficiently applying its mind on the matter to curtail the freeship benefits according to the impugned Orders.

25. We therefore come to the conclusion that on the basis of material on record, it cannot be held that there was any financial constraint obliging the State to modify the policy to curtail the benefits according to the impugned Orders dated 29.05.2008 and 31.05.2008. Consequently, the impugned Government Orders are arbitrary and violative of Article 14 of the Constitution since financial constraint which was the sole basis of the curtailment of benefit of freeship according to impugned Government Orders has not been established and therefore, there is No. basis to uphold the same.

26. The writ petition could be allowed only on the aforesaid finding, but Sri J.N. Mathur in defence of the aforesaid decision alternatively emphasised that it is a policy decision taken by the State based on the principle of social status test and therefore, No. element of arbitrariness in the impugned Orders can be read as social status test is a well-recognised principle in law which has been applied in

modifying the freeship policy to the extent as provided in the impugned Orders, and that the impugned Government Orders are also saved by Article 15(4). Therefore, even if the plea of the State regarding its financial constraints is not established, still the State Government on the aforesaid plea could have curtailed the benefits extended to General category and other backward class students, which policy decision could not be subjected to judicial review; we proceed to deal with the aforesaid pleas.

27. The Petitioner, however, refutes the aforesaid argument of the learned Additional Advocate General. He submitted that plea of Article 15(4) is not attracted at all, since No. relief has been claimed against the interests of Scheduled Caste and Scheduled Tribes.

28. Three points arise therefore for consideration of the alternative argument in light of our specific finding that there was No. financial constraint for the State Government that obliged modification of the pre-modified policy. First, whether the State was permitted to make a departure from its constitutional obligation of taking special care of education and economic interests of the weaker section of the people. Second, can the State apply social status test to withdraw the policy based on means test. Third, if at all the impugned Orders are saved by Article 15(4).

29. Social welfare or welfare of the State is the onus of the State itself. The Constitution vests so. This is why Part IV has been given space and expression in the Constitution which lay down the constitutional policy that State must strive for, if our country is to develop into a welfare state. The weaker section of the people is a lowliest class of people, economically and educationally weak who have been given constitutional protection. Their welfare is paramount as can be read from the conjoint reading of Article 21 and Article 46. Speaking the constitutional position in this context, the Supreme Court observed in *State of Kerala and Another Vs. N.M. Thomas and Others*, , as under:

The Preamble to the Constitution silhouettes a "justice-oriented" community. The Directive Principles of State Policy, fundamental in the governance of the country, enjoin on the State the promotion with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled castes and the scheduled tribes,... and protect them from social injustice.

To neglect this obligation is to play truant with Article 46. Undoubtedly, economic interests of a group - as also social justice to it - are tied up with its place in the services under the State.

30. Article 21 encompasses the right to live with dignity. The right to live with dignity is not an ordinary expression. It has serious meaning attached to it. Our society is an amalgamation of various classes of people. Some are wealthy. Some are not wealthy. Some lead life of penance with pleasure. Some lead life of penance due to their fortune. Our Constitution endorses welfare of all classes.

This is why Article 21 has been given wide connotation and expression by the courts, particularly, by the Apex Court to give effect to the constitutional policy of welfare state. The decision of the Apex Court in *Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc.*, is an authority on this aspect where the court confirmed that right to education is implicit under Article 21 and proceeded to identify the content and parameters of this right to be achieved by Articles 41, 45, and 46 in relation to education. Understood in this context, Article 46 gives not only solemn protection to weaker section of the people at par with the Scheduled Caste and Scheduled Tribes but speaks of special care to be taken by the State of this section of people. Further, the expression "educational and economic interest" in Article 46 concludes the whole legal position in relation to Article 46 to mean that the State must endeavour to do welfare especially of this section of people. The endeavour of the State to give the weaker section of the people a life of dignity is the link between Articles 46 and 21. Conjoint reading of both the provisions puts constitutional obligation on the State to achieve the goal of welfare of the weaker section of the people by all means.

31. At this juncture, it may be recalled that in the freeship policy formulated by State Government through Government Orders dated 11.08.2006 and 21.02.2007 read with Government Order dated 18.06.2004; it is the weaker section of the people which is tapped. Thus, the policy is in the furtherance of the constitutional obligation provided in Article 21 read with Articles 38 and 46 to provide a life of dignity and honour to the weaker section of the people.

32. On the question of classification of the people in the modified policy brought out by the impugned Government Orders to be reasonable and not arbitrary; Sri J.N. Mathur submitted that the classification is reasonable since social status test has been followed to determine the benefits given to each class. On the legality of the social status test, he placed reliance on the decision of the Apex Court in *The State of Andhra Pradesh and Others Vs. U.S.V. Balram, etc.*, In this regard, we heard the arguments of Sri J.N. Mathur at length.

33. However, we fail to appreciate his submissions.

34. The pre-modified policy, to reiterate, taps the weaker section. It is in furtherance of the constitutional mandate under Article 38 and in particular under Article 46. Article 46 is not based on social test but on the means test. It speaks of "educational and economic interest" of "weaker section". The expression "weaker section" and their "economic interest" are correlative and denote the means status of the people who are to be taken care of. Although, the phrase "economic interest" is not to be read alone but in consonance with the expression "educational" used in Article 46; to confuse Article 46 with "social status" would put to strain and nullify otherwise the pure object of Article 46. The distinction can be explained with the aid of Article 15(4). Article 15(4) gives impetus to the social and educational "advancement" of backward classes or the Scheduled Caste and Scheduled Tribes. It is an enabling provision for the State to make special provisions for the socially and educationally backward classes of

citizens or for the Scheduled Castes or the Scheduled Tribes. The emphasis here is on the upliftment of three constitutionally earmarked classes i.e. Schedule Caste, Scheduled Tribes and Backward class. However, Article 46 is wide in expression. The object of welfare under Article 46 is towards those educationally and economically weak. In fact, the Apex Court has laid down in *M.R. Balaji v. State of Mysore*, 1963 Supp. (1) SCR 439 that, "in taking executive action to implement the policy of Article 15(4), it is necessary for the States to remember that the policy which is intended to be implemented is the policy which has been declared by Article 46 and the preamble of the Constitution." Reference in this context may also be made to *Ashoka Kumar Thakur Vs. Union of India (UOI) and Others*,

35. The decision of the Apex Court in *U.S.V. Balram* (supra) on which Sri Mathur relies does not lend any support because their Lordships approved the classification on the basis of social status in the context of Article 15(4). But it may be noted that the Court did not accept the classification based solely on social status. Their Lordships clarified that only where it is found after investigation, that the whole caste is socially and educationally backward that reservation made on such classification would be appreciable.

36. The General category is residue of people that remain after Scheduled Caste, Scheduled Tribes and the backward class. The policy does not distinguish between the aforesaid classes. It is available to any of the aforesaid classes provided their parents' annual income is below rupees one lakh. The constitutional policy under Article 46, being based on "means test" cannot be modified by applying the "social status test". Any modification to the policy can be done only in light of the constitutional policy it seeks to give effect. Therefore, we are unable to agree with the submission of the learned Additional Advocate General.

37. Learned Additional Advocate General then stated that the impugned Government Orders are legally saved since the State is entitled to make special provisions for the Scheduled Caste and Scheduled Tribes under Article 15(4) of the Constitution. However, the Petitioner in reply clarified that Article 15(4) is not attracted in the present matter because the award of freeship to such students belonging to scheduled caste and scheduled tribes is not questioned.

38. To a certain extent, we agree with Sri J.N. Mathur that Scheduled Caste and Scheduled Tribes and even backward class enjoy fundamental protection under Article 15(4). Laying out special policy in favour of the Scheduled Castes and Scheduled Tribes is well within the prerogative of the Government by virtue of Article 15(4).

39. But fundamental protection does not warrant fundamental change in policy that finds life under Article 46. It must be borne in mind that Article 15(4) is not in conflict with Article 46; but in furtherance thereof. More so, we have clearly laid down the nature of the two provisions and the distinctions thereof. But we

ought to clarify that it is not the interest of Scheduled Caste or Scheduled Tribes the subject-matter of the instant controversy but what is of concern is the interest of students of weaker section of the General category and the backward class. Thus, we do not find force in the argument of learned Additional Advocate General to say that the impugned Government Orders are saved by virtue of Article 15(4).

40. Lest to say, the State having taken steps in discharge of its constitutional obligation, it is not open to deprive the poor or weaker students of General category and other backward class candidates arbitrarily, as it will be destructive of the avowed policy of the State Government to encourage such poor students to prosecute further studies for their social and economic development and to make their contribution to the development of the State. The benefit once extended to them also created legitimate expectation that such General category and other backward class students will continue to get the said benefits for prosecuting their studies. The State Government purportedly modified the policy only on the ground of financial constraint and if that is not established, it will be contrary of the provisions of Article 14 which ensures equality before the law and equal protection of laws to all. To modify the policy to their detriment without application of mind and consideration of all relevant materials would mean to illegally discriminate against them. Thus, as regards the argument of Sri J.N. Mathur that the curtailment of benefit according to the impugned Orders dated 29.05.2008 and 31.05.2008 is based on reasonable classification of people and is also saved by Article 15(4) as the State is entitled to make special policy for the Scheduled Caste and Scheduled Tribes; it may not be out of place to mention that modification of the policy does not imply fundamental change in policy to permit departure from means test for classification of beneficiaries to social status test for their classification. Also, the freeship provided to Scheduled Caste and Scheduled Tribes students have not been affected or interfered with in any manner by the modification according to the impugned Government Orders and therefore, the question of making special provisions for them does not arise in this case.

41. In any event, the goal of welfare state enshrined in the Constitution is not for namesake. It has constitutional sanction attached with it in the form of directive principles. The directive principles enable the State to observe pragmatic approach in achieving the constitutional objective. The State has to therefore, suitably address its finances and priorities in order to give effect to the constitutional obligations enshrined through the directive principles. In this context, the Apex Court has consistently opined that State may have its financial constraints and priorities in expenditure but humane considerations cannot be measured by financial constraints to avoid paramount constitutional obligations. Reference may be made to the decisions of the Apex Court in Ashok Kumar Thakur (supra), wherein placing on Hussainara Khatoon and Others Vs. Home Secretary, State of Bihar, Patna, the Supreme Court observed that State cannot avoid its constitutional obligation on the ground of financial inabilities.

Hussianara Khatoon (IV) was a case where the Supreme Court refused to accept denial of the constitutional right of speedy trial to the accused on the ground that the State has No. adequate financial resources to incur the necessary expenditure needed for improving the administrative and judicial apparatus with a view to ensuring speedy trial. So also in Khatri and Others Vs. State of Bihar and Others, the Supreme Court reiterated the aforesaid position in the following words:

The State is under a constitutional mandate to provide free legal aid to an accused person who is unable to secure legal services on account of indigence and whatever is necessary for this purpose has to be done by the State. The State may have its financial constraints and its priorities in expenditure but, as pointed out by the court in Rhem v. Malcolm, 377 F Supp 995, "the law does not permit any Government to deprive its citizens of constitutional rights on a plea of poverty" and to quote the words of Justice Blackmun in Jackson v. Bishop, 404 F Supp 2d 571, "humane considerations and constitutional requirements are not in this day to be measured by dollar considerations.

42. Financial considerations are important; primarily, because the State may not be in a position to give effect to implement policies in the absence of funds. But considering the instant situation where complete budgetary sanctions were available for the pre-modified policy, the State ought not to have modified the policy according to the impugned Orders arbitrarily without any reasonable cause.

43. We therefore for both the reasons i.e. the State has failed to establish financial constraint, in continuing with the freeship policy and also for the reason that constitutional policy based on means test cannot be modified to the detriment of the students belonging to weaker section by applying social status test, which does not find place in Article 46 quash the impugned Orders dated 29.05.2008 and 31.05.2008 being arbitrary and violative of Article 14 of the Constitution. We therefore direct that freeship be continued to be provided to post-matric students of General category and other backward class according to the pre-modified policy as laid out in State Government Order dated 11.08.2006 read with Government Order dated 18.06.2004 for the general category and Government Order dated 21.02.2007 for other backward class students.

44. Petition allowed. No. costs.