courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 05/09/2026

(2015) 03 SHI CK 0030

In the High Court Of Himachal Pradesh

Case No : CWP No. 1078 of 2015

Pooja Sharma — APPELLANT

Vs

Union of India and Others — RESPONDENT

Date of Decision : 19-03-2015

Acts Referred:

Citation : (2015) 03 SHI CK 0030

Hon'ble Judges : Sureshwar Thakur, J.;Rajiv Sharma, J.

Bench : Division Bench

Advocate : Ramakant Sharma, for the Appellant; Adarsh Sharma, Advocate vice Ashok Sharma, ASGI, Advocates for the Respondent

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—The petitioner passed her 10+2 examination from Minerva Senior Secondary School, Ghumarwin, Distt. Bilaspur and scored 407 marks out of 500 marks. The petitioner was informed vide communication dated 18.1.2012 that she was eligible for scholarship for higher education under the scheme launched by the Department of Science and Technology, Government of India under the Ministry of Science and Technology, New Delhi called "INSPIRE" valued at Rs. 80,000/- per year. The petitioner also received communication from the office of respondent No. 2 dated 10.7.2012 informing her to complete all the codal formalities and to submit the documents by 31.7.2012. The petitioner sought admission in B.Sc. (Non-medical) on 18.7.2012. The petitioner also submitted the joining report as per Annexure R-2/2. All the documents were submitted to respondent No. 2 on 30.7.2012. Since the case of the petitioner was not processed, her father sought information under the Right to Information Act, vide Annexure P-5. Respondent No. 2 sent the communication to the father of the petitioner vide Annexure P-6, informing him that the form was rejected due to late admission in the College after passing the 10+2 examination already in March, 2011. The petitioner''s father was informed vide communication dated 10.6.2014, Annexure P-9 by Head "INSPIRE" and FIST Division that according to

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/pooja-sharma-appellant-hash-union-…

the notification published in the year 2012, the provision was made for students of the 2011 batch to apply for the scholarship, if a student has passed 10+2 examination in the year 2011 and enrolled in B.Sc./Int. M.Sc./Int. MS in the year 2012, he was eligible to apply for the "INSPIRE" scholarship, provided he satisfied other eligibility criteria prescribed in the notification. It was also clarified that the "INSPIRE" scholarship for higher education was offered only to those students who were pursuing basic and natural science courses at the B.Sc./Int. enrolment I to B.Sc./Int. M.Sc./Int. M.S. Course. The petitioner''s father was also informed vide Annexure P-12 dated 24.9.2014 by respondent No. 1 that a student who has passed the 10+2 examination in the year 2011, 2012 and 2013, could not apply for the scholarship in the year 2014 and a student who has already been selected for "INSPIRE" scholarship but has failed to complete the documentation process within the specified time frame, his/her offer of scholarship would be withdrawn.

2. The Ministry of Science and Technology, Department of Science and Technology has issued advertisement on 15.6.2012 for submission of application for the "Scholarship for Higher Education (SHE)", a component of "INSPIRE" vide Annexure P-10. According to the advertisement, the applications were invited from eligible candidates for scholarship for higher education, a component of "INSPIRE". Total of 10,000 scholarships were available annually under SHE. The scholarships were limited only to candidates studying courses in natural/basic sciences at B.Sc. B.Sc. (Hons), Int. M.Sc./MS programmes in any one of the recognized institutions in India. The duration of the support was for maximum period of 5 years starting from 1st year course in B.Sc. B.Sc. (Hons) and integrated course leading to M.S. or M.Sc., or till completion of the course. The selection of candidates was based on performance in Board Examinations within the cut-off threshold (of top 1%) for each State or Central Board of Examination at class 10+2 level as listed in Table 1.

3. The cut-off marks as per Table 1 (Annexure P-11) for the State of Himachal Pradesh were 80.4%. The petitioner had scored 81.4% marks. Respondent No. 1, though granted an opportunity to file reply, has not chosen to file the same. Respondent No. 2 filed the detailed reply. It is stated in the reply by respondent No. 2 that the case of the petitioner was not covered under the MHRD guidelines (Annexure R-2/1), thus her case could not be recommended to respondent No. 1.

4. We have gone through the guidelines Annexure R-2/1. These guidelines have been issued by the Department of Higher Education for the Scheme called "Central Sector Scheme of Scholarship for College and University Students". The eligibility criteria is laid down in para 5, reservation criteria in para 5.1 and selection procedure in para 6. Mr. Diwakar Dev Sharma, Advocate, appearing on behalf of respondent No. 2 has vehemently argued that the petitioner was not eligible as per para 6 of Annexure R-2/1-Scheme.

5. The case of the petitioner is not covered under the guidelines issued under Clause 6 but it is covered under the Scheme called "INSPIRE" Scholarship, as per

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/pooja-sharma-appellant-hash-union-…

Annexure P-10. This Scheme has been launched by the Ministry of Science and Technology, Department of Science and Technology. It is confined only to the students/candidates studying courses in natural/basic sciences at B.Sc. B.Sc. (Hons), Int. M.Sc./MS programmes in any one of the recognized institutions in India. Annexure P-10 and Annexure R-2/1, operate in different fields. The petitioner, as noticed by us hereinabove, has passed her 10+2 examination in the year 2011. She has scored 81.4 % marks and was fully eligible as per Annexure P-10 and table appended thereto i.e. Annexure P-11. It is the respondent No. 2 who has called upon the petitioner to submit the documents as per Annexure P-2 dated 18.1.2012 and Annexure P-3 dated 10.7.2012. She has supplied the documents before the Board on 31.7.2012.

6. The learned Advocates appearing on behalf of the respondents have failed to point out that the candidates who have passed 10+2 examination in the year 2011 and have sought admission in B.Sc.-I in the year 2012, were not eligible on the basis of the Scheme framed by respondent No. 1. Mr. Ramakant Sharma, Advocate, for the petitioner has drawn the attention of the Court to Annexure P-9. We have already taken note of the contents of Annexure P-9, hereinabove. According to Annexure P-9, the students of 2011 batch could apply for the scholarship if the student has passed 10+2 examination in the year 2011 and enrolled in B.Sc./Int. M.Sc./Int. MS in the year 2012, provided he satisfied other eligibility criteria prescribed in the notification. The petitioner was eligible and has submitted all the documents before the cut-off date i.e. 31.7.2012. She was eligible for scholarship as per Annexure P-9 dated 10.6.2014. The communication dated 24.9.2014, Annexure P-12 is not relevant in this case since the petitioner has applied for scholarship in the year 2012 and not in 2014. The issuance of Annexure P-6, whereby the case of the petitioner has been rejected, is contrary to Annexure P-9 dated 10.6.2014 and Annexure P-10 dated 15.6.2012. The "INSPIRE" scholarship has been issued by the Department of Science and Technology and Annexure R-2/1 has been issued by the Ministry of Human Resource Development, Department of Higher Education. The respondents have failed to take into account the difference between "INSPIRE" scholarship and "Central Sector Scheme of Scholarship for College and University Students", as per Annexure P-12. The approach of the respondents in the instant case was unreasonable and arbitrary. The respondents No. 1 and 2 should construe the provisions of the Scheme(s) liberally and not technically. The purpose of the scheme is to help the students to pursue natural/basic sciences at B.Sc. B.Sc. (Hons), Int. M.Sc./MS programmes, being specialized courses.

7. Accordingly, the Writ Petition is allowed. Annexure P-6 dated 16.8.2013 and Annexure P-12 dated 24.9.2014 are quashed and set aside. In normal circumstances, we would have issued mandamus to respondent No. 2 to forward the case of the petitioner to respondent No. 1, but taking into consideration the peculiar facts and circumstances of the instant case, more particularly, when we are dealing with the case of a student, respondent No. 1 is directed to release the scholarship to the petitioner under the "INSPIRE" Scholarship Scheme within

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/pooja-sharma-appellant-hash-union-…

a period of six weeks from today with interest @ 9% per annum. Pending application(s), if any shall also stand disposed of.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/pooja-sharma-appellant-hash-union-…