

(2011) 01 DEL CK 0267
In the Delhi High Court
Case No : Writ Petition (C) 1090 of 2010

Sahi Ram

APPELLANT

Vs

Indian Agricultural Research Institute

RESPONDENT

Date of Decision : 20-01-2011

Acts Referred:

Citation : (2011) 01 DEL CK 0267

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Deepak Anand and Varun Singh, for the Appellant; Jasmine Ahmed and Ramesh Gopinathan, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The petition impugns the order dated 3rd February, 2010 of the Respondent declining the award of IARI Junior Scholarship to the Petitioner. The Petitioner seeks a mandamus directing the Respondent to grant such scholarship to the Petitioner.

2. The Petitioner had done Graduation in B. Sc. (Agriculture) from Rajasthan Agriculture University, Bikaner in the year 2004. The Petitioner in the Academic Year 2006-2007 applied for and was admitted to M. Sc. (Agricultural Studies) programme of the Respondent Institute. As per the Postgraduate Calendar for the year 2005-2006 of the Respondent Institute (and which the Petitioner claims to be applicable to admissions in the year 2006-2007), scholarships/fellowships are offered as financial assistance to the Postgraduate students at the Respondent Institute to assist as many as students as possible who have a good academic record and who are making diligent efforts to pursue higher education. The scholarship under Clause 15.3 is awarded by the Dean and the Joint Director (Education) of the Respondent Institute on the advice of the "Standing Committee of Scholarships, Financial Assistance and Academic Progress" after taking into consideration the merit of each applicant based initially on his admission and subsequently on his performance at the school. The Petitioner was

granted such scholarship.

3. As per the rules relating to the scholarship aforesaid, the payment of scholarship/fellowship was to be reviewed at the end of 3rd trimester and only those students were entitled to continue getting scholarship/fellowship who had maintained the Overall Grade Point Average (OGPA) of 6.50 out of 10 at the end of 3rd trimester. The students were also required to maintain the minimum OGPA of 6 out of 10 at the end of 3rd trimester to continue on the Postgraduate School rolls.

4. The Petitioner at the end of the 3rd trimester did not have the OGPA of 6.50 to continue with the scholarship and also did not have the minimum OGPA of 6.00 to continue with the course. Accordingly the name of the Petitioner was struck off from the programme. According to the Petitioner, he could not achieve the target owing to then being inflicted with a Neurological disease owing where to he was unable to write properly and thus failed in the Annual Examination.

5. The Petitioner claims that he thereafter got himself treated and applied again to the Respondent Institute for fresh admission in the Postgraduate programme i.e. M. Sc. (Computer Applications) in the Academic Year 2009-2010. The Petitioner claims that though he had the 8th Rank in the All India Entrance Examination conducted for the said purpose but was declined admission leading him to then file W.P.(C) No. 10732/2009 in this Court seeking direction to the Respondent Institute to grant admission to him. The Respondent Institute upon receipt of notice of the writ petition granted admission to the Petitioner and accordingly the said writ petition was withdrawn by the Petitioner.

6. The case of the Petitioner is that upon such re-admission to the Postgraduate programme, though he under the rules aforesaid was again entitled to the IARI Scholarship but has been declined to the Petitioner.

7. The counsel for the Petitioner has contended that the scholarship has been denied to him for the reason of his having gained admission in the Postgraduate programme for the second time after having failed in the programme earlier. He contends with reference to the Chapter 15 of the Postgraduate Calendar for the year 2005-2006 of the Respondent Institute (and which is stated to be applicable to admissions in academic year 2009-2010 also) that the rules therein nowhere prohibit the grant of scholarship in such a situation and all students admitted to the M. Sc. Programme are ipso facto entitled to IARI scholarship. Reliance is placed on Clause 15.15 titled "Termination of the scholarship" wherefrom also it is contended that there is no provision for termination of scholarship upon re-admission into the same programme.

8. "Scholarship" by its very nature, is an assistance, help, boost, backing, encouragement, grant, monetary aid and not a right of a student. Scholarships to students for education are granted by several persons/bodies/institutions and grant whereof is in the absolute discretion of the giver and is not justiciable. However, Respondent being a "State" within the meaning of Article 12 of the

Constitution of India, cannot act whimsically and is bound by its Rules regarding grant of scholarship and cannot act arbitrarily. However while interpreting the Rules also and to see whether they have been violated, the nature of grant cannot be forgotten. This is also confirmed from Clause 15.15.1 (iv) which empowers withdrawal of scholarship if found negligent or guilty of unbecoming conduct, Clause 15.15.3 which prohibits beneficiary of scholarship from leaving the course/programme before completion and Clause 15.15.4 which prohibits beneficiary of scholarship from accepting any post/other scholarship without permission.

9. I do not find any error in the decision of the Respondent Institute to decline scholarship to the Petitioner for the reason of the Petitioner after having earlier availed the scholarship but having failed to complete the course. The Petitioner having availed the financial assistance once and which has been wasted upon the Petitioner not completing the course, even though entitled under the Rules of the Respondent Institute for re-admission, cannot claim the scholarship a second time.

10. The Respondent in its counter affidavit, in support of its decision has relied upon the term of the Information Bulletin published by Indian Council for Agricultural Research (ICAR) of the Entrance Examination for academic year 2009-10 for admission to Post Graduate programmes including in Respondent Institute, providing that awardees of Scholarship of "last year" even if in merit will not be awarded scholarship again. The counsel for the Petitioner has vehemently contended that the same does not apply to award of scholarships by Respondent Institute but applies only to award of scholarships by ICAR. However, I find that the Entrance Examination for the year 2009-10 through which the Petitioner gained admission was held by ICAR only and the terms of admission expressly bar award of scholarship a second time.

11. Even otherwise, this Court would not interfere in the decision of the Academic Authorities as long as the same is based on some reasons. The reason given in the present case is valid. The Petitioner has already once availed the scholarship and the counsel for the Petitioner admits that the benefits then availed by the Petitioner were retained by the Petitioner and not reimbursed to the Respondent Institute. The Petitioner if wants to have a second chance, would have to have the same on the terms prescribed for payment of fee.

12. The counsel for the Petitioner has contended that the Petitioner is a deserving candidate and is in need of scholarship owing to heavy expenditure being incurred on his medical treatment. The same is controverted by the counsel for the Respondent. Even if that be the case, the remedy of the Petitioner is to apply to the Respondent Institute for scholarship on a compassionate ground and not to claim the scholarship as a matter of right as is being done till now, including by filing of the present petition.

13. The petition is therefore dismissed but with no order as to costs.