
(2016) 02 P&H CK 0019
In the Punjab And Haryana At Chandigarh
Case No : C.W.P No. 9710 of 2014 (O&M)

Shifali

APPELLANT

Vs

State of Haryana & Ors.

RESPONDENT

Date of Decision : 16-02-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 2 PLR 295

Hon'ble Judges : Rajesh Bindal, J.

Bench : Single Bench

Advocate : Ashok S. Chaudhary, Addl. A.G, Haryana, P.K.Chugh, Advocates,
Munish Kumar Garg, Advocate, for the Respondent

Final Decision : Disposed off

Judgement

Rajesh Bindal, J.- The petitioner, who was admitted in B.Tech Course in Computer Science and Engineering Branch with Respondent No.3-Institute in the Session 2010-2011, has filed the present petition for quashing of communication dated 31.08.2013 (Annexure P/3), vide which her claim of grant of scholarship for the years 2012-2013 and 2013-2014 was denied.

2. Learned counsel for the petitioner submitted that the petitioner appeared in AIEEE on April 10, 2010 and secured 12571 rank. She got admission in B.Tech in Computer Science and Engineering in general category. Her rank in that category as a girl student was first. As per the scheme of scholarship notified by the Haryana State Counselling Society (hereinafter referred to as "the Society"), dated 22.01.2010, the petitioner being topper in her category as a girl student was entitled to scholarship of Rs. 40,000/- per annum or the actual tuition fee, whichever was less. The petitioner was granted the scholarship for two years, namely, 2010-2011 and 2011-2012, however for the years 2012-2013 and 2013-2014, the scholarship was not paid. The representation made by the petitioner was rejected vide impugned communication. He further submitted that the reason for which the claim of the petitioner had been rejected cannot be

justified as the decision to stop scholarship was taken by the Board of Governors of the Society in its meeting held on 09.01.2014 and the reason assigned is that there is shortage of funds. In the aforesaid meeting of the Board of Governors, scholarship scheme was decided to be discontinued from the year 2012-2013, onwards i.e. with the retrospective effect, which could not have been done.

3. On the other hand, learned counsel for respondent No.2 submitted that as per the scheme, the number of stipend/scholarships/freeships could be changed by the Society depending on availability of funds. As there were less students opting for engineering courses, the amount available with the society was not sufficient, thus the decision was taken to discontinue the scheme. However, he could not deny the fact that in the case in hand meeting of the Board of Governors of the Society was held on 09.01.2014 in which the decision to discontinue scholarship had been taken with retrospective effect from the year 2012- 2013.

4. Heard learned counsel for the parties and perused the paper book.

5. The fact that the petitioner got admission in B.Tech in Computer Science and Engineering course with respondent No.3-Institute in the session 2010-2011 is not in dispute. Another fact which is not in dispute is that the petitioner ranked first for admission in B.Tech Computer Science and Engineering with respondent No. 3-Institute for the session 2010-2011. The scheme was notified by the Haryana State Technical Education Department on 22.01.2010 providing for Scholarships/Freeships to students pursuing Diploma/Degree/Masters and Doctorate programmes in these Courses with a view to attract talent in Technical Education. In the category of the petitioner, Scholarship of Rs. 40,000/- per student per year or actual tuition fee, whichever is less, was specified. It was to be paid to the topper in the online counselling in each Branch in each Institute admitted through Central counselling. The relevant portion of Scheme is extracted as under:-

Sr. No

Name of programme/course

Amount of Scholarship per student annum

Total amount (approx)

Criterion

1.

xxxxxx

xxxxxx

xxxxxx

xxxxxx

2.

B.E/B.Tech./ B.Arch. Courses (Sir M. Vishvesvariya scholarship

Upto Rs.40,000/- per student per year or actual tuition fee whichever is less

Topper of online counseling in each Branch in each Institute admitted through central counseling.

6. In terms of the aforesaid scheme, the petitioner was paid scholarship of Rs.40,000 per annum for the years 2010-2011 and 2011-2012. However, scholarship for the years 2012-2013 onwards was not paid. Representation (Annexure P/2) was made by the petitioner to the Society, but the same was declined vide communication dated 31.08.2013. In support, the stand of the official respondents is that a decision was taken in the meeting of Board of Governors of Society on 09.01.2014 to discontinue the scheme from the years 2012-2013 onwards. However, the same may not be justifiable reason to deny scholarship to the petitioner, if the resolution passed in the board meetings held on 12.04.2013 and 09.01.2014 are read together. The aforesaid resolutions are extracted below:-

"Further, the matter was placed in 15th Board of Governor (BOG) Meeting of answering respondent on dated 12.04.2013 and it was decided that:-

"The Hardship based and only two Girl children scholarship cases may be settled immediately for the previous years. The Scholarship cases pertaining to M.Tech and Ph.D course may be discontinued immediately even for the previous years in view of shortage of the funds with HSTES. Keeping in view the requirement of merit-cum-aid for completing the basic qualification till graduation a draft of restructured scholarship scheme only for under graduate courses be put-up immediately."

The Review of Scholarship scheme was again put up in the 16th Board of Governor Meeting of answering respondent held on dated 09.01.2014 and it was decided:-

"Decision taken in respect of Agenda item no. 15.08 in the last (15th BOG) meeting was reconsidered and reviewed by the house and amended with the stipulation that the scholarship scheme except the Hardship based scholarship will be discontinued from the year 2012-13 onwards."

7. A perusal of the resolution passed in the meeting on 12.04.2013 shows that a decision was taken to discontinue the scholarship scheme pertaining to M.Tech and Ph.D courses and for graduate level reconstructed scholarship scheme was to be put in the next meeting of Board of Governors. The decision taken in the next board meeting i.e. on 09.01.2014 was that all the scholarship schemes except hardship based scholarships were decided to be discontinued from the year 2012-2013 onwards. Meaning thereby that upto 09.01.2014, there was no decision to discontinue the scholarship scheme especially for the category to

which petitioner belongs. The Board did not have power to discontinue the scholarship benefits to eligible students on the ground that there is shortage of money with the Society, with retrospective effect. The action should have been taken immediately and not nearly after two years for discontinuing the scheme from the years 2012-2013, onwards.

8. For the reasons mentioned above, the impugned communication (Annexure P/3) is quashed. The petitioner is held entitled to get the scholarship for the years 2012-2013 and 2013-2014. The amount be paid by respondent No.2 to the petitioner within four weeks from the date of receipt of copy of this order.

9. The petition stands disposed of.