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**(2016) 10 SHI CK 0006**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 4144 of 2015**

Tanuja Begum

APPELLANT

Vs

Union of India

RESPONDENT

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**Date of Decision :** 05-10-2016

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2016) sup HimLR 2844

**Hon'ble Judges :** Mr. Chander Bhusan Barowalia, J.

**Bench :** Single Bench

**Advocate :** Mr. Virender K. Verma, Addl. AG, with Mr. Pushpinder Jaswal, Dy. AG, for the Respondent Nos. 2, 3 and 5; Mr. Lovneesh Kanwar, Advocate, for the Respondent No. 4; Mr. Ashok Sharma, ASGI, with Mr. Angrez Kapoor, Advocate, for the Respondent No. 1; Mr. Onkar

**Final Decision :** Disposed Off

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## Judgement

Chander Bhusan Barowalia, J. - The present petition is maintained by the petitioner seeking the following substantial relief:

(1) That a writ in the nature of mandamus may kindly be issued directing the respondents to release the "INSPIRE (SHE)" Scheme w.e.f. 2013 and continue to pay for 5 years as admissible under the "INSPIRE (SHE)" Scheme.

2. As per the petitioner, she is being denied the benefit of scholarship under "INSPIRE (SHE)" (hereinafter referred to as "the Scheme"), wherein she is to get Rs. 80,000/- (rupees eighty thousand) per annum for five years to pursue higher education, being meritorious student. However, the benefit of the above mentioned centrally sponsored scheme is being denied to her wrongly and illegally despite recommendation of respondent No. 4/Himachal Pradesh Board of School Education.

3. Brief facts giving rise to the present petition are that the petitioner in 10+2 examination, in the year 2013, appeared in Nonmedical stream and scored

86.4% marks with distinction in all the subjects. Thereafter, the petitioner got admission in B.Sc (Physics) in Government Degree College, Daulatpur Chowk, Tehsil Amb, District, Una, H.P. Respondent No. 1 started a scheme, namely INSPIRE (SHE), which provided that the students, who secured position by virtue of their performance within 1% of the School Board at Plus 2 level in the examination held by the concerned Board are entitled for Scholarship. Top 1% performers automatically qualified for scholarship for higher education of Government of India, annual amount where under is Rs. 80,000/- (rupees eighty thousand) for five years. As per the list, prepared by respondent No. 4, the petitioner with 86.4% marks in plus two (+2) examination is figuring at serial No. 531, therefore, automatically entitled for the benefit under the Scheme. The Scheme further provides that the concerned Board of School Education (herein respondent No. 4) has to send a communication to the concerned candidate, depicting his/her status in the merit list with roll No and date of birth with further advise to the candidate to apply online to the Government of India for availing the benefit of scholarship for pursuing higher studies, provided a candidate has got admission in higher classes. As per the petitioner, respondent No. 4 did not issue such advisory to her. However, respondent No. 4 sent a list under the Scheme to respondent No. 1/Government of India on 16.07.2013, wherein name of the petitioner is figuring at serial no. 531 (Rank 50). On the basis of the said list scholarship was granted to the students other than the petitioner. The petitioner, by way of a representation, foregrounded her grievance to respondent No. 4, but to no avail and she was advised to take up the matter with Ministry of Science and Technology, New Delhi. Subsequently, the petitioner raised her claim before respondent No. 1, vide representation dated 28.02.2015, wherein she specifically alleged that due to inaction of respondent No. 4, in not issuing an advisory, she is being deprived scholarship. Lastly, the petitioner prays for issuance of writ of mandamus directing the respondents to release the benefits of the Scheme.

4. Respondent No. 1/Union of India, by filing reply to the writ petition, precisely contended that to avail the benefits of the Scheme in question the application must be filed directly by the candidate, through the web-portal, that is, [www.onlineinspire.gov.in](http://www.onlineinspire.gov.in) and merely figuring in the merit list of any Education Board does not entitle a candidate for the benefits of the Scheme. The application must be submitted through the web portal by the applicant/candidate. The petitioner did not apply online within the due date to the Department of Science and Technology (DST) and she moved her application directly to the State Education Board. The Scheme mandates for awarding annual scholarships for Higher Education for only 10,000 students and for the batch of 2013 the scholarships have been completed. Due to non-availability of provisions qua allocation for scholarships for the year 2013, the replying respondent is unable to consider any more applications from the batch of 2013 students. It is further contended that the replying respondent has no role to play in the matter, as the application was not submitted on time and the department has exhausted

its awarded the scholarships as well as the budget.

5. Respondents No. 2 and 5 have filed a consolidated reply, wherein it is contended that the Scheme in question is being run by the Government of India, Ministry of Science and Technology, New Delhi, and the same is directly linked with the Himachal Pradesh School of education Board, Dharamshala, District Kangra. As per respondent No. 5/Principal Government Senior Secondary School, Ambota District Una, H.P., no information qua selection of the petitioner under the Scheme was received, whereas the other students, who were selected under the Scheme, received advisory/eligibility note from the Office of H.P. School Education Board, Dharamshala, at their home addresses. It is further contended that the benefit of the Scheme is being awarded to only those students who continue their studies as a regular Science students in the college on the basis of performance in plus two class for which H.P. Board of School Education issues advisory note/letter by post to every eligible candidate and on receipt of such note, the students have to apply online to DST after completing all codal formalities by the concerned college where the student is pursuing higher education. The replying respondents pray for dismissal of the writ petition.

6. Respondent No. 4, by filing reply to the writ petition, has averred that the replying respondent awards two hundred scholarships annually, that is, hundred to science group and hundred to other groups. The Ministry of Human Resource Development, Department of Higher Education (MHRD) awards 82000 fresh scholarships annually to the students securing minimum 80% marks in plus two or equivalent and not belonging to the creamy layer for pursuing regular courses. It is further averred by the replying respondent that the Ministry allots scholarships to State Boards on the basis of population of the State in the age group of 18-25 distributing amongst the different streams. The replying respondent did receive the application of the petitioner for MHRD scholarship, however, she was not eligible, being lower in merit, therefore, her application was not forwarded to MHRD. As per respondent No. 4, the Board had sponsored the names of 940 candidates of science stream to respondent No. 1, during March, 2013, through email on 16.07.2013 and vide letter dated 16.07.2013. It is further averred that the respondent/Board issued eligibility certificate to the petitioner, whose name is figuring at serial No. 531 in the list, and the Principal, Government Senior Secondary School, Ambota, District Una, was supposed to handover that certificate to the petitioner, as the permanent address of the petitioner was available with the school. Consequent to the orders of the Government of Himachal Pradesh secretary of the respondent/Board is holding an inquiry into the matter.

7. During the pendency of the writ petition, vide order of this Hon'ble Court, dated 19.11.2015, the Principal, Government Senior secondary School, Ambota, Tehsil Amb, District Una, H.P., was impleaded, as respondent No. 5.

8. I have heard the learned counsel for the parties and gone through the record in detail.

9. Admittedly, respondent No. 1 invited applications from 1% top eligible candidate of plus two (Science stream) of each State/Central Board of Examination, having eligibility certificate/note issued by the respective Boards, for awarding scholarship for higher education, which was an element of Innovation in Science Pursuit for Inspired Research (INSPIRE). Consequently, respondent No. 4/Board sponsored names of 940 candidates to respondent No. 1, who had passed plus two examination during March, 2013 and also fall in the category of 1% top students of science stream through email and letter dated 16.07.2013. The name of the petitioner was figuring at serial No. 531 in the list. Respondent No. 4/Board issued the eligibility certificate/note to the petitioner through Government Senior Secondary School Ambota, District Una, being regular student vide letter dated 16.07.2013. Respondent No. 1 grants the scholarship for higher education under INSPIRE scheme to top 1% students of science stream of each State and it was respondent No. 5/Principal, Government Senior Secondary School Ambota, District, Una, to handover the eligibility certificate/note to the petitioner, as permanent address of the petitioner was available with the said school, as she was the student of that School.

10. From the above, it is clear that it is the negligence on the part of the respondents and specifically respondent No. 5. Due to the inaction of respondent No. 5 scholarship was not granted to the petitioner, though she was at serial No. 531 out of the 940 candidates sponsored to respondent No. 1, respondent No. 5 did not fill in the form of the petitioner in whose school she was studying as a regular student and who was supposed to get the form filled in. As far as respondent No. 5 is concerned, he has filed the reply and has stated that no information was received by him. He has enclosed one envelop as Annexure R-1, which was issued to some other student at her home address by respondent No. 4/H.P. Board of School Education. Now there is a contradictory stand taken by respondents No. 4 and 5, as respondent No. 4 has specifically stated that Principal Government Senior Secondary School, Ambota, Amb, District Una, was supposed to issue eligibility certificate to the petitioner, as the home address of the student/candidate is available with the school and not with the Board. On the other hand, respondent No. 5 claims that no information qua selection of the petitioner under the Scheme was received, whereas other students, who were selected under the Scheme, received advisory/eligibility note from the office of H.P. School Education Board, Dharamshala, at their home addresses.

11. This Court finds that the petitioner could not get the scholarship to which she was entitled/eligible, due to the negligent act of respondent No. 5. As far as Union of India/respondent No. 1 is concerned, it was to grant the scholarship and it is submitted that to avail the benefits under the Scheme, the application must be filed directly by the candidate, through the web-portal, viz., [www.onlineinspire.gov.in](http://www.onlineinspire.gov.in) and merely figuring in the list of any Education Board does not entitle a candidate for the benefits of the Scheme. The application must be submitted through the web portal by the applicant/candidate. In fact, the petitioner did not apply online within the prescribed time to the Department of

Science and Technology (DST) and she moved her application directly to the State Education Board. Under the Scheme, for the year 2013, scholarship was to be granted to only 10,000 students, who were pursuing Higher Education and now the scholarships have been completed. Due to non-availability of provisions qua allocation for scholarships for the year 2013, the replying respondent is unable to consider any more applications form the batch of 2013 students.

12. In view of the above discussion, it can safely be held that respondent No. 5 is taking a stand that no advisory was received in the school. However, it is very strange that respondent No. 5, being the Principal of the school, was not aware that a student of his school is figuring the toppers" list and she is eligible for the scholarship. At the same point of time, respondent No. 4/Board has specifically stated in its reply that they had informed respondent No. 5, as the permanent address of the petitioner was not available with them and it was available only with respondent No. 5. Respondent No. 5 did not act on that advisory/information, however, he should have contacted the petitioner or at least informed the petitioner, who was the regular student of the school. Respondent No. 5, being the Principal of the School, should have taken care of the welfare of the petitioner. Due to the negligence of respondent No. 5, the petitioner suffered an uncalled for harassment, who could have used this time for the betterment of her studies which could have resulted in the betterment of the nation. This Court further finds that it is only because of the negligence on the part of respondent No. 5, in not being aware about his student"s merit, that the petitioner has been put to harassment. Further it is clear that respondent No. 5 was informed by respondent no. 4 regarding place of the petitioner for scholarship, but respondent no. 5 kept sleeping over the matter.

13. As the petitioner is eligible, being at serial No. 531, out of 940 students, who were sponsored under the Scheme, she is entitled for scholarship under the Scheme. Therefore, it is ordered that respondent No. 5 will immediately do the needful and get the application of the petitioner, as required under the Scheme, properly filled in and transmit the same to respondent No. 1 within three weeks and thereafter respondent No. 1/Union of India will consider and grant the scholarship to the petitioner under the Scheme, as she was duly sponsored by respondent No. 4/H.P. Board of School Education and she is at serial No. 531 out of 940 students, who are entitled for the scholarship within four weeks thereafter.

14. As the petitioner has suffered harassment on account of the negligence/dereliction of duties on the part of respondent No. 5, respondent No. 5 is directed to compensate the petitioner by way of damages/costs of this petition quantified at 10,000/- (rupees ten thousand) to the petitioner as damages/cost of the petition.

15. In view of what has been discussed above, the present petition is allowed with a direction to respondent No. 5 to immediately fill in the application form of the petitioner, after contacting her at her residential address and transmit the same to respondent No. 1 within three weeks from today. Thereafter, respondent

No. 1, will award the scholarship, as per the Scheme, to the petitioner within four weeks thereafter. Respondent No. 5 will pay the costs to the petitioner within three weeks. The writ petition is disposed of accordingly.