

\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision:- 23rd February, 2023

+ **W.P.(C) 6414/2020**

VIKASH SHUKLA Petitioner
Through: Mr. Sunil Kumar Singh & Ms. Mukti
Singh, Advocates.

versus

MINISTRY OF SCIENCE AND TECHNOLOGY Respondent
Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Vikrant, Advocate for UOI
(M-9910483635)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing.
2. The present petition has been filed by the Petitioner - Sh. Vikas Shukla seeking directions to the Respondents to release / pay 3rd instalment of the Petitioner's scholarship under INSPIRE Scheme as also seeking payment of compensation and damages for mental harassment and loss of career of the Petitioner.
3. The Petitioner passed his 10+2 examinations in 2015 from the Madhya Pradesh Board and scored 92.6% in his Board examinations with 99 marks in Mathematics, 94 marks in Physics and 97 marks in Chemistry. He was also given a certificate by the Madhya Pradesh Secondary Examination Board as being eligible for the scholarship for higher education under the INSPIRE Scheme. Thereafter, he took admission in B.Sc. (Hons.) Mathematics in Ramjas College, Delhi University.
4. The Respondent - Department of Science and Technology, Ministry of

Science and Technology offered him the INSPIRE Scholarship vide letter dated 17th January, 2017. The said letter reads as under:

“Subject: Provisional Offer of INSPIRE Scholarship for students of 2015 Batch

Dear Mr. Vikash Shukla,

On the basis of your application submitted under Scholarship for Higher Education (SHE) component of the scheme, Innovation in Science Pursuit for Inspired Research (INSPIRE), I am delighted to inform that you have been provisionally selected for the award of INSPIRE Scholarship for the period starting 2015, which is the year of your enrollment in B.Sc./Int. MSc. or Int. M.S. Course. Your INSPIRE Scholarship Registration Number is 201500050587.

The final selection for scholarship will be subject to the satisfaction of norms as listed in the Post Offer Implementation Guidelines, which is enclosed along with this offer letter.

The total amount of the Scholarship is Rs 80,000/- per annum, out of which Rs 60,000/- as scholarship @ Rs 5000 per month and Rs 20,000/- per year shall be reimbursed for expenses towards summer research internships in research/academic institutions. The maximum tenure of this Scholarship is five years, or until the completion of M.Sc. / Int. M.Sc. /Int. MS course, whichever is earlier, provided you continue to maintain academic excellence and performance. Please note that a student cannot avail more than one scholarship at any time. Further, on acceptance of the INSPIRE scholarship by a student, switching over to other government scholarship schemes including KVPY, is not allowed at any stage without the due permission of the DST. The Scholarship will be provided directly to you through the State Bank of India (SBI) to your bank account. To facilitate the transfer of Scholarship to your bank account, you are requested to open a normal Savings Bank Account in your name only, at any branch

of State Bank of India (SBI) in the country, having no limit of cash transfer (Jandhan, Kiosk, Zero Balance Opening Account or similar type account may please avoided). Please note that joint account or account in Banks other than SBI will not be accepted. Upon opening of the Savings Bank account at SBI, you may please fill up the pro-forma available on the online web-portal with the requisite information.

Please note that the submission of the documents such as SBI Bank account details, yearly Performance Reports and Mark Sheets is accepted only through the Online Portal. Please do not send any documents by post. The link to download the Performance Report format is available here. www.inspiredst.gov.in/SHE_Performance_Report.pdf.

The validity of this Provisional Offer shall be 120 days from the date of Offer and no documents will be accepted after the prescribed time limit. For any assistance during online submission of documents, you can write to inspire.prog-dst@nic.in or call 0120-4676260 (Mon-Sat, 10AM to 5PM).

With best regards.”

5. The conditions of the INSPIRE Scholarship are governed as per the Post Offer Implementation Guidelines for Scholars. The relevant part of the said Guidelines is as under:

“INSPIRE Scholarship, offered to pursue undergraduate (UG) studies, and continued up to post-graduate (PG) studies, is based on Class 12th standard examination results (top 1%) of respective Boards or within eligible rank in chosen few competitive examinations such as JEE (main), JEE (advanced), NEET (AIPMT) and securing admission in science stream (in any of science course or its combination out of 18 identified subjects) at any recognized colleges or universities or academic institutions in the country.”

“5. Payment and Continuation of Scholarship:

The Scholarships for 1st and 2nd years are paid together at the second year of the scholars' undergraduate course. The Scholarship is paid on the basis of following:

a) Year-wise requirements:

<i>Year of Scholarship</i>	<i>Basis</i>	<i>Documents to be submitted</i>
<i>FIRST</i>	<i>Based on (i) Class XII Board Marks and (ii) continuation in second year course in the identified science subject(s) at the UG level.</i>	<i>First Year B.Sc./B.S./Int. M.Sc./Int. M.S. (i) Performance Report and (ii) Marksheets.</i>
<i>SECOND</i>	<i>Based on <u>Performance in First Year B.Sc./B.S./Int. M.Sc./Int. M.S. Exams.</u></i>	
<i>THIRD</i>	<i>Based on <u>Performance in Second Year B.Sc./B.S./Int. M.Sc./Int. M.S. Exams.</u></i>	<i>Second Year B.Sc./B.S./Int. M.Sc./Int. M.S. (i) Performance report and (ii) Mark-sheets.</i>
<i>FOURTH</i>	<i>Based on performance in Second year B.Sc./B.S./Int. M.Sc./Int. M.S. exams and joining M.Sc. course in the identified science</i>	<i>(i) Third year B.Sc./B.S./Int. M.Sc./Int. M.S. Performance Reports and Mark-sheets & (ii) M.Sc. Enrolment Certificate.</i>

	<i>subject(s) at PG level.</i>	
<i>FIFTH</i>	<i>Based on performance in First year M.Sc. exams or Fourth year Int. .Sc./Int. M.S. exams (as the case May be)</i>	<i>First year M.Sc. or fourth year Int. M.Sc./Int. M.S. Performance Report and Mark-sheets.</i>

- b) For continuation of INSPIRE Scholarship, the scholar shall (i) pass in all subjects, and (ii) secure minimum 60% aggregate marks or 6.0 CGPA on a 10.0 point scale or its equivalent in his/her annual examinations (or 2 semesters) in B.Sc. /B.S. /Int. M.Sc. /Int. M.S. or M.Sc. examinations, failing which the scholarship for the next academic year will not be paid.*
- c) If a scholar has failed or could not attend the annual/ any of the semester examination(s) in that year, the INSPIRE Scholarship for the next academic year will not be paid. However, scholarship will be restored (only prospectively) in the next to next academic year, provided the scholar's academic performance is within the aforesaid eligibility norm mentioned at 5b.*
- d) The maximum tenure of INSPIRE Scholarship is five years. Except Integrated MSc or Integrated MS course, the scholarship shall continue at PG level only after successful completion of 3 years BSc or 4 years BS course, for another two years or one year, depending upon the course pursued at the UG level. The Scholar needs to maintain their academic performance as per clause 5b and pursue only the identified subject(s) at the MSc level. If it is otherwise, the continuation of*

scholarship at the PG level stands cancelled automatically and no representations shall be entertained in this regard.”

6. A perusal of the above would show that for initially becoming eligible, the student ought to be in the top 1% of his respective Board, in Class XII. Thereafter, the performance of the first year will determine the continuation of scholarship in the second year and the performance in the second year determines the release of scholarship for the third year. The eligibility would be that the candidate has to score aggregate 60% or 6.00 CGPA.

7. In the present case, the Petitioner, was disbursed the Scholarship amount for the first and the second year. However, for the third year, the scholarship was withheld on the ground that he did not score 6.0 CGPA in the second year.

8. The case of the Petitioner is that he secured more than 6.0 CGPA in the second year and hence he could not have been deprived of the scholarship for the third year. The Petitioner made an application to the Respondent vide e-mail dated 14th June, 2018, seeking disbursement of the scholarship. The reply received from the Respondent was that his marks were below the 6 CGPA.

9. Heard. The transcripts of the Petitioner which have been placed on record show that the CGPA of the Petitioner for the first and the second semester was 7.45 and for the third and four semesters was 6.32. Thus, in the first year, the Petitioner scored 7.45 CGPA and in the second year, he scored 6.32 CGPA. Thus, the stand of the Respondent that the Petitioner did not score 6 CGPA would not be correct.

10. Mr. Shukla, Id. Counsel for the Respondent submits that the stand of the Respondent is that CGPA should be 6.0 in the *core subjects*. However, the

ld. Counsel for the Petitioner relied upon the Post Offer Implementation Guidelines for Scholars as also the INSPIRE Scheme to argue that the cumulative CGPA of 6.0 was required for the scholarship.

11. A perusal of Clause 5 of the Post Offer Implementation Guidelines for Scholars leaves no manner of doubt that the requirement of 6.0 CGPA is in the aggregate and not in the core subjects. There is no mention in the Post Offer Implementation Guidelines for Scholars or in the INSPIRE Scheme that 6.0 CGPA is being required in the core subjects. Thus, the rejection/ non-grant of scholarship to the Petitioner is completely untenable.

12. The Petitioner is from an economically weaker section and had to discontinue studies after B.Sc. due to non-award of the scholarship. Further, it is submitted that due to his CGPA he was fully qualified to obtain admission into the M.Sc. (Mathematics) which he could not pursue due to rejection/ non-continuation of scholarship.

13. In the overall facts and circumstances of the case, considering that the annual scholarship for the Petitioner was Rs.60,000/-, the third year's scholarship amount i.e. Rs.60,000/- along with the simple interest of 6% is directed to be released to the Petitioner. In addition, costs are also awarded to the Petitioner to the tune of Rs.50,000/-. The said amount shall be paid by the Respondents.

14. The amounts shall be released within a period of 8 weeks.

15. The petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

FEBRUARY 23, 2023

Rahul/KT