

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No.1148 of 2012 (M/S)

Guru Nanak Education Trust's
Group of Institution ... Petitioner
Vs.
Union of India & others ... Respondents

AND

Writ Petition No.1497 of 2012 (M/S)

Mohit Kumar S/o Vinod Kumar ... Petitioner
Vs.
Union of India & others ... Respondents

AND

Writ Petition No.1124 of 2012 (M/S)

Guru Nanak Education Trust's
Group of Institution ... Petitioner
Vs.
Union of India & others ... Respondents

AND

Writ Petition No.1370 of 2012 (M/S)

Sodish & others ... Petitioners
Vs.
Union of India & others ... Respondents

AND

Writ Petition No.1518 of 2012 (M/S)

Abhishek Saini & others ... Petitioners
Vs.
Union of India & others ... Respondents

Hon'ble Sudhanshu Dhulia, J.

1. Since a common question arises in all the writ petitions, hence, these writ petitions are being decided together by this common judgment.
2. Heard Ms. Monika Sharma, Advocate assisted by Mr. H. M. Bhatia, Advocate for the Guru Nanak Education Trust / petitioners (college), Mr. Tapan Singh, Advocate for the students / petitioners, Mr. V. B. S. Negi, Asstt. Solicitor General for the Union of India and Mr. Paresh Tripathi, Additional Chief Standing Counsel for the State of Uttarakhand.
3. Under the scheme of the Government of India 2007-2008, the expenses incurred by a college on the S.C., S.T. & O.B.C.

students who were admitted in the post metric course in such an institute would be borne by the Central Government. The exact word used in the scheme is that the amount incurred on the S.C., S.T. & O.B.C. students would be "*reimbursed*" to the college. Before this Court, the petitioners are the Guru Nank Education Trust's Group of Institution (college) and its students, who are individually seeking the relief of reimbursement of the amount.

4. The contention of the college is that though in the year 2009-10, 2010-11 & 2011-12 some amount particularly under the head of tuition fee has been sent to the institute, yet the Central Government has not paid the entire expenses incurred by the College. In other others, the college has not been fully reimbursed for the amount which they have incurred in S.C., S.T. & O.B.C. students. The grievance of the students is also the same that since the College has incurred expenses, their College may be reimbursed the amount which was incurred on S.C., S.T. & O.B.C. students. The State as well as the Central Government has filed their counter affidavits in WPMS No.1148/2012 and the said counter affidavits are being adopted in all the connected writ petitions. Therefore, the facts related to WPMS No.1148/2012 are being taken into consideration for the sake of convenience.

5. It is an admitted case of the Central Government that there is a scheme of the Central Government that the expenses incurred by the college on its S.C., S.T. & O.B.C. students would be borne by the Central Government, but, there is some dispute as to the amount, as the scheme has been revised in the year 2011 and there may be some implications where the State Government will also share with the Central Government in funding the college. The fact remains that in any case the funds are channelised to the college through the State Government. It

cannot be disputed that as per the scheme of the Central Government, there is an undertaking given by the Government of India to reimburse certain expenses incurred by the College in S.C., S.T. & O.B.C. students. It is also admitted case of the college that every year, the college had been receiving at least a large portion of the amount in the form of tuition fees, but, contends that other expenses i.e. registration fee, uniform fee, books fee, university fee, etc., have not been paid to the college. According to the college, there is an approximate deficiency of Rs.22,000/- per students per year which the college claims from the Central Government.

6. After hearing the learned counsel for the parties, it is clear that there is a scheme of the Central Government by which certain amount incurred on S.C., S.T. & O.B.C. students would be reimbursed to the college through the State Government. Both the State and the Central Governments have accepted the liability on this point, but with their reservations. The only dispute which remains as to how much amount is to be given (reimbursed) to the college and whether the college has been fully reimbursed the amount or not!

7. Before proceeding any further, this Court is of the opinion that for the redressal of the college and its students, it would be befitting that the petitioners should first approach the Secretary, Social Welfare, Uttarakhand. It is directed that the petitioners shall approach the Secretary, Social Welfare, Uttarakhand regarding their grievances. The Secretary, Social Welfare shall give a patient hearing and, in consultation with the appropriate authority i.e. the Central Government inform the petitioners as to the steps which are to be undertaken in order to redress their grievance and shall also inform the petitioners as to how much

amount is to be paid to the college. However, in case, the Secretary, Social Welfare, Uttarakhand comes to the conclusion that under the Scheme, the entire amount has already been paid to the college, he shall pass a speaking order in this regard. Needful be done within six weeks from the date of production of a certified copy of this order.

8. The Court is conscious of the fact that the “scheme” is of the Central Government, however, the funds come to the institute via the State Government, which is aware both of the scheme as well as of the changes, if any, in the scheme. Secondly, it is being done so that the responsibility i.e. responsibility of passing a speaking order is fixed on one authority, in order to remove any doubts.

9. The writ petitions are disposed of in the above terms. No order as to costs.

10. Let a certified copy of this order be supplied to learned counsels for the petitioners today itself.

(Sudhanshu Dhulia, J.)

Dated 31st December, 2012

Rawat