

**Before Shri Prakash Javadekar, Hon'ble Minister for Human Resource Development, Ministry of Human Resource Development, Govt of India, New Delhi.**

In the matter of:

**J&K STUDENTS, STUDYING IN MEWAR UNIVERSITY, GANGRAR, CHITTORGARH, RAJASTHAN-312901 UNDER PRIME MINISTER SPECIAL SCHOLARSHIP SCHEME (PMSSS).**

Respectfully showeth:

Sub: *Representation in respect to J&K poor students, studying in Mewar University under Prime Minister Special Scholarship Scheme (PMSSS) against MHRD, IMC and AICTE Authorities.*

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- 1) Prime Minister Special Scholarship Scheme (PMSSS) was approved by the Cabinet Committee on Economic Affairs with the object to provide 5000 scholarship every year to Jammu & Kashmir students (4500 scholarship to General, 250 for Engineering and 250 for Medical students). A budget of Rs.1200 crores for 5 years was approved by the cabinet for the PMSSS for J&K poor students.

The scheme came into operation in 2011. First academic session was started in 2011-12 and scholarships were granted as under: \*

Sl. No.	Year	Total scholarship available	Scholarship awarded	Seat remained vacant
1	2011-12	5000	38	4962
2	2012-13	5000	3775	1225
3	2013-14	5000	4585	415
4	2014-15	5000	1314	3686
5	2015-16	5000	406	4594
		<b>25000</b>	<b>10118</b>	<b>14882</b>

\*Source: An article published in Hindustan Times dated 30<sup>th</sup> December, 2015 and information available in the Minutes of IMC Meetings, held time to time.

From the above table, it is clear that up to 2015-16, a total of 25000 scholarships were to be granted, whereas only 10118 scholarships could be granted. Remaining 14882 seats remained vacant till date. The scheme was monitored by IMC (A body created by MHRD) and implemented by AICTE.

- 2) That Mewar University is a University created by an Act 4 of 2009 passed by the Legislative Assembly of Rajasthan and Recognized U/s 2 (f) with further power to award degree U/s 22(1) of the University Grants Commission Act, 1956. The Mewar University is also a member of Association of Indian Universities (Hereinafter referred as “AIU”) which is an affiliated body of University Grants Commission (Hereinafter referred as “UGC”).

Courses of Mewar University in respect of Law are approved and recognized by Bar Council of India and in the case of Pharmacy, the same is approved and recognized by Pharmacy Council of India and all technical and general courses are approved by UGC. University is running all courses in the main campus of Gangrar, Dist. Chittorgarh (Rajasthan), and therefore does not require any approval of AICTE.

The University is self financing university and is not getting any planned/non-planned grants from UGC, therefore, does not require any approval under section 12(B) of UGC Act 1956.

- 3) That under all the schemes, available in India, the students are getting scholarship without any difficulty and there is no insistence of the Government for getting any approval under section 12(b) of UGC Act for the purpose of granting scholarship to the students studying in Mewar University.

- 4) That the University encompasses students to the tune of 10,000 (approx.) from almost all the states of country. The Students hailing from Rajasthan, M.P., Chhattisgarh, U.P., Utrakhand, Bihar, Jharkhand, West Bengal and North East states are getting their Scholarship in Post Metric Scheme of government of India. The students are also getting scholarship under Ishan Uday Scholarship Scheme introduced by Government of India and monitored by UGC, for North East students.
- 5) The University has admitted students from J&K under Prime Minister special Scholarship Scheme (PMSSS) as well as under Minority Scholarship Scheme, issued by govt. of India, Ministry of Minority Affairs. The total students at present belongs to J&K are approximately 1500 studying in various courses took admission in academic years 2012-13, 2013-14, 2014-15 and 2015-16. Under the PMSSS, the students who took the admission in the year 2012-13, are getting scholarship without any problem except 6 students. In academic year 2013-14, 527 students took the admission under various courses, out of which 344 students are getting scholarship without any problem. 183 students have not received scholarship till date, whereas they have completed their 3 years of study. Their documents have been checked and verified twice by AICTE. University is bearing all their expenses since their admission for lodging, boarding, tuition fee, uniform and books etc.

The MHRD, IMC and AICTE authorities are denying the scholarship of these 183 students on the following basis:

- i) That 159 Engineering students are having less than 65% in 12<sup>th</sup> Examination.

- ii) That 11 students are undergoing Degree Course in engineering after having previously obtained Diploma in Engineering and thereafter sought lateral entry in the Degree Course which could not have been done.
- iii) That 13 general degree course students have not submitted proper documents

The above mentioned objections are baseless and misconceived because of the following reasons:

- i) That out of 159 Engineering students, whose claims are pending, 17 students have secured more than 65% marks.
- ii) So far as admission of the students who have previously obtained diploma are concerned, it is submitted that the dispute has already been settled by Hon'ble High Court of Punjab and Haryana, wherein it has been mentioned that the students who have passed 10<sup>th</sup> examination from J&K Board or CBSE Schools in J&K and also passed diploma from Technical Board of J&K will be eligible for PMSSS (Prime Minister's Special Scholarship Scheme). So the students of lateral entry will also be allowed.
- iii) That denying Scholarship on the basis of percentage of marks is an afterthought, malafide and militate against the basic scheme. The Authorities have already allowed in case of five students Scholarship who have secured less than 65% marks in their qualifying examination in Mewar University. In other Institutions, Authorities have allowed Scholarship to 106

students in engineering who have secured less than 65% marks in the “open category”.

- iv) That out of 159 students of Engineering, 14 students belong to “Socially and Economically Backward Caste/Residents of Backward Area”, 10 students belong to “Scheduled Caste” category and 19 students belong to “Scheduled Tribe” category. These 43 students cannot be denied Scholarship otherwise on the basis stated by the Authorities. It is submitted that in other Institutions Scholarship has been granted to “Reserved Category” candidates who have secured percentage of marks ranging between 41% to 65%. This fact also establishes that the ground for denying Scholarship is patently bad in law and discriminatory.

So far as pending 183 Scholarships (159 Engineering Course, 11 Lateral Entry candidates in Engineering and 13 General Courses) is concerned, the position is as follows:

Pending (Category Summary – 183)			
Category	Engg (Stream)	General (Stream)	Total
General	109	6	115
SC	14	3	17
ST	26	3	29
SEBC/RBA/OBC	21	1	22
Total	170	13	183

As regard the 13 students of General Courses, there should be no objection in asking these 13 students to submit the documents for the satisfaction of the Authorities concerned.

Based on the aforesaid facts, the University submits that the stand taken by the Authorities is incorrect, unenforceable and cannot be made basis for denying Scholarship to 183 students for academic year 2013-14.

For academic year 2014-15, 474 students took the admission in various courses on provisional basis before 15<sup>th</sup> August, 2014 under PMSSS Scheme. But so far no scholarship has been granted to these students by the Central Govt., although they are eligible students under the scholarship scheme. The university is bearing all expenses of tuition fee, lodging,, boarding, uniform and books etc.

For 2013-14 and 2014-15 no demand has been raised so far from the students in the account of tuition fee, hostel fee, books, uniform etc.

The University took admission of the students in 2014-15 on provisional basis with the understanding that they are fully entitled to take admission under the scheme applicable.

The students have been denied the scholarship on the ground that university is not approved under section 12(b) of UGC Act 1956, for general courses and the university is not approved by AICTE for technical courses.

With these two reasons, all the 474 students have been denied scholarship. In this reference our contentions are as follows:

- i. As mentioned above, the university is a self financing university, created through State Act. Under section 6 of the Mewar University Act 2009, it is mentioned that :

*“The University shall be self-financed and shall not be entitled to receive any grant or other financial assistance from the State Government.”*

Therefore, it cannot be approved under section 12(b) of UGC Act 1956, Section 12(b) of UGC Act 1956 only deals with giving planned and non-planned grant to Universities and Institutions. Since Mewar University is self financing university, it cannot be approved under section 12(b) of UGC. Moreover, this condition was imposed and came into public domain on 3<sup>rd</sup> September, 2014. So this condition if applicable would be applicable from admission taken by University after 3<sup>rd</sup> of September, 2014 or more specifically from academic year 2015-16.

Other disqualification that the university is not approved by AICTE for technical courses, it is respectfully submitted that university is running technical courses in its main campus, so does not require any approval of AICTE. Letter to this effect has already been issued by AICTE to the university.

Moreover, this is also pertinent to mention that students of 2012-13, 2013-14 who took admission in the university under

technical courses were granted scholarship, although condition of AICTE approval was applicable since the session 2011-12.

Disqualification prescribed by Authorities for not granting scholarship to the students of general as well as technical courses is not justified.

- 6) That the University humbly submits that the scholarship is always given to the students and never to the Institution. The litmus test for determining eligibility of students for being entitle for scholarship to see that whether degree awarding institution is recognized or not for the purpose of awarding degree. In other words, whether students are getting valid degree or not?

It is humbly submitted that equating concept of “scholarship” with concept of “grants” as mentioned in UGC Act, 1956 would result in injustice to the both Institution and Students. Both these words having different connotation in the eyes of law.

The University humbly submits that perusal of Section 12(b) of the UGC Act, 1956 will make the legal position more clear in the present context and the same is being quoted herein below:

**Section 12(b):** “No Grants shall be given by the Central Government, the Commission, or by any other organization receiving any funds from the Government, to a University which is established after the commencement of the University Grants Commission (amendment) Act, 1972 unless the Commission has, after satisfying



itself as to such matters as may be prescribed, declared such university to be fit for receiving such grants”.

By plain reading of the provision, it is ample clear that it is University which suitability is adjudged by the UGC on various counts before granting fund to it or letting it entitle to get funds from other government source and further this section does not act as pre condition for power of the University for awarding valid degree. Whereas Scholarship enables scholarship to get valid degree by incurring scholarship amount to fees, boarding and lodging, books etc and thus Scholarship is propriety of Students and it has no connection with the Institution/University.

- 7) That the University in all bonafide submits that when “Ishan Uday Scholarship Scheme for the students of North East States” in line with present Prime Minister Special Scholarship Scheme was launched by the Government of India last year, the Students studying in Mewar gets Scholarship without any difficulty, even if it is not approved under 12(b) of UGC Act 1956.
  
- 8) That the students and university on behalf of the students made lot of efforts, filed hundreds of letters to various Government Authorities, like., Hon’ble Minister of HRD, Chairman, AICTE, Secretary, MHRD, Member-IMC, Hon’ble Home Minister, Hon’ble Prime Minister, Hon’ble Finance Minister, Principal Secretary of Prime Minister, National Security Advisor, Hon’ble Governor of J&K, Hon’ble Chief Ministry, J&K, praying to direct the concerned Authorities to release the scholarship and save the future of the poorest of the poor students, hailed from rural areas of J&K, but nothing has come out so far.

- 9) The University is fully entitled to take admission of the students from J&K, fulfilling the criteria, specified in the scheme and this fact has been further established by the students who took admission in Mewar University in academic year 2012-13 and 2013-14 (part) has been granted scholarship by Authorities.
- 10) The University has already stated in detail the circumstances under which they sought admission in Mewar University. The process of admission cannot be questioned by the Authorities. It is reiterated that the admissions were prior to 03.09.2014 and no counseling could take place during the period of heavy rains and floods, which fact has been admitted by the State Government as well. The Authorities cannot question the process of admission nor deny Scholarship on that basis.
- 11) The Authorities after fixing the date for counseling which could not effectively took place in the Valley on account of floods, never fixed any date thereafter for counseling. It only goes to show that the Authorities accepted the admission already made by the University. It is not open in law to the University to turn round and deny scholarship on the basis of the procedure of admission. Moreover, in the 15<sup>th</sup> meeting of Inter Ministerial Committee dated 17<sup>th</sup> August, 2015 the Government of India through IMC accepted the position that due to heavy rains and floods in the state large number of students could not attend the counseling and dispensed with the admission procedure adopted in academic year 2014-15 and held students, who have taken admission on their own, eligible for scholarship. Only condition continued was of institution's approved under Section 12-B and AICTE.

In compliance to this decision, the AICTE recently issued a notice of releasing scholarship of 770 students who did not appear in the counseling and took the admission at their own but in this list none of the students of Mewar University was approved for scholarship.

- 12)** That the official Authorities had also obtained opinion from the Ministry of Law and Justice as to whether Mewar University students who took admission under PMSSS can be granted Scholarship despite of the fact that they could not appear in the counseling and the University is not approved under Section 12-B of UGC Act 1956. The categorical opinion given by Ministry of Law and Justice was that the Scholarship of students admitted in Mewar University for session 2014-15 may be given and AICTE may impose condition of Section 12-B from session 2015-16 and onwards by advertising admission norms well in advance. This should have been treated enough by the official Authorities for releasing the claim of the petitioners for scholarship. The opinion is being mentioned by the petitioners without prejudice to their rights that the Mewar University does not require any approval under Section 12-B of the University Grants Commission Act.
- 13)** That the University has been striving for since its inception to get the young cadre of lower strata of the Society at the front line and provide them level playing field in terms of quality education so as to enable them in building the nation in the right perspective and have acted in all bonafide manner and hereby reaffirms its commitment.

In view of the foregoing submissions, it is most respectfully prayed that your good-self may be pleased to direct MHRD, IMC and AICTE Authorities to process pending application of scholarship of the students of the session 2013-14 (183) and 2014-15 (474) studying in Mewar University and release the scholarship at the earliest, so that university may continue study of these students and meet the expenses of their lodging, boarding, tuition fee, uniform and books etc.

**PRAYED Accordingly**

On behalf of J&K Students,  
Studying in Mewar University,  
Chittorgarh (Rajasthan)

*18<sup>th</sup> November, 2016*

**P.S.** All relevant documentary evidence has already been placed on record of the concerned officers of MHRD.