

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Petition(s) for Special Leave to Appeal (C) No(s).15892-15895/2013

GOVT. OF GUJARAT

Petitioner(s)

VERSUS

ADAM B. CHAKI &amp; ORS. ETC.

Respondent(s)

O R D E RR. BANUMATHI, J. :

(1) The validity of 'Pre-Matric Scholarship' Scheme framed by the Government of India was called in question before the Division Bench of the High Court of Gujarat at Ahmedabad.

(2) The said Scheme was formulated as part of Prime Minister's New 15 Point Programme for the welfare of Minorities and the Scheme was made effective from 01.04.2008. As per the said Scheme those students who had secured not less than 50% marks in the previous final examination and the annual income of whose parents/guardians from all sources, did not exceed Rs.1,00,000/- (Rupees One Lakh), were eligible for scholarship. The scholarship benefit was made available to the students of minorities, as notified under Section 2(c) of the National Commission for Minorities Act, 1992. Funding of the scholarships would be shared by the Central Government and the State Government(s) in the ratio of 75% : 25% respectively;

whereas for the Scheme in its application to the Union Territories, 100% funding was provided by the Central Government.

(3) The said Scheme came to be challenged before the Division Bench of the High Court. The High Court by impugned judgment dated 15.02.2013 upheld the said Scheme and held as under :

"60. In conclusion, we answer the questions referred to us in following manner:

(i) The Scheme in question does not violate Article 15(1) of the Constitution and that direction should be given for its implementation;

(ii) Decision of this Court in the case of Vijay H. Patel (in Special Civil Application NO.2245 of 2008) laid down the correct proposition of law."

(4) Being aggrieved by the impugned judgment, these special leave petitions are preferred by the State of Gujarat.

(5) We have heard Ms. Deepanwita Priyanka along with Mr. Aniruddha P. Mayee, learned counsel appearing for the petitioner-state. We have heard Mr. Nakul Dewan, learned senior counsel, and Ms. Vimla Sinha, learned counsel appearing for the respondents. The impugned judgment and the materials on record have been perused.

(6) Having regard to the submission made at the Bar that the funding of the said Scheme has now been modified and that 100% funding is now borne by the Union of India, the issue raised in these special leave petitions no longer survives for consideration by this Court.

(7) In view of the above, the special leave petitions are accordingly disposed of.

(8) The Applications (I.A.No.1-4 of 2013) for transposing respondent No(s).3 and 4 in SLP(C)No.15892/2013 & respondents No(s).1 and 2 in SLP(C)No.15895/2013 as petitioners are disposed of leaving the issue raised by the applicants open to be raised at the appropriate stage, in any appropriate proceedings, if need arises.

.....J.  
(R. BANUMATHI)

.....J.  
(A.S. BOPANNA)

.....J.  
(HRISHIKESH ROY)

NEW DELHI,  
OCTOBER 17, 2019.

ITEM NO.102

COURT NO.6

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15892-15895/2013

(Arising out of impugned final judgment and order dated 15-02-2013 in WPIL No. 20/2011 15-02-2013 in WPIL No. 191/2012 20-02-2013 in WPIL No. 20/2011 20-02-2013 in WPIL No. 191/2012 passed by the High Court Of Gujarat At Ahmedabad)

GOVT. OF GUJARAT

Petitioner(s)

VERSUS

ADAM B. CHAKI &amp; ORS. ETC.

Respondent(s)

( [ TO GO BEFORE THREE HON'BLE JUDGES ] [ TOP OF THE BOARD ]  
[IA No. 1-4/2013 - APPLICATION FOR TRANSPOSITION AS PETITIONERS O/B  
OF R-3 AND R-4 IN SLP 15892/2013 & R-1 AND R-2 IN SLP 15895/2013;  
IA No. 5-8/2016 - INTERVENTION APPLICATION FILED BY MR. ZULFIKER  
ALI,ADV.] )

Date : 17-10-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Deepanwita Priyanka,Adv.  
Mr. Aniruddha P. Mayee,AOR  
(in place of  
Ms. Hemantika Wahi, AOR)

For Respondent(s) Mr. Nakul Dewan,Sr.Adv.  
Mr. Ejaz Maqbool, AOR  
Ms. Akriti Chaubey,Adv.  
Mr. Kunwar Aditya Singh,Adv.  
Mr. Gautam Prabhakar,Adv.

Ms. Vimla Sinha,Adv.  
Mr. Raj Bahadur,AOR  
Mr. Mukul Singh,Adv.  
Mr. Anish Kumar Gupta,Adv.

Ms. Babita Yadav,Adv.  
Mr. Amit Sharma,Adv.  
Mr. R. C. Kohli, AOR

Mr. Abhijat P. Medh, AOR  
Mr. Rauf Rahim,AOR

Mr. Ali Asghar Rahim, Adv.  
Mr. Zulfiker Ali, AOR

UPON hearing the counsel the Court made the following  
O R D E R

In terms of the signed non-reportable order, the special leave  
petition are disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(SANTOSH KUMAR)  
BRANCH OFFICER

(Signed non-reportable order is placed on the file)