



**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 5235/2025

Manjeet Deora D/o Bhawani Singh Deora, aged about 20 Years,  
R/o 360, Rajputo Ka Vas Dodua, Sirohi through her Legal  
Guardian and Father Shri Bhawani Singh Deora S/o Shri Hari  
Singh Deora, Aged-48. R/o 360, Rajputo Ka Vas Dodua, Sirohi  
-----Petitioner



Versus

1. State of Rajasthan, through Chief Secretary, Government of Rajasthan, Secretariat, Jaipur.
2. The Principal Secretary, Department of College Education, Government of Rajasthan, Secretariat, Jaipur.
3. The Director, Commissionerate of College Education, Block-4, RKS Sankul, JLN Road, Jaipur.
4. The Joint Director (Academic), Commissionerate of College Education, Block-4, RKS Sankul, JLN Road, Jaipur.
5. The Nodal Officer, Swami Vivekananda Scholarship for Academic Excellence, Commissionerate of College Education, Block-4, RKS Sankul, JLN Road, Jaipur

-----Respondents

For Petitioner(s)	:	Mr.Punit Singhvi with Mr.Ayush Singh
For Respondent(s)	:	Mr.Vigyan Shah, AAG with Mr.Tanvisha Pant Mr.Devesh Yadav for Mr.R. D. Rastogi, ASG

**JUSTICE ANOOP KUMAR DHAND**

**Order**

Reserved on	:	24/04/2025
Pronounced on	:	29/04/2025
Reportable		



**Scholarships are more than the financial aids; they are life changing opportunities. They empower the needy, deserving and brilliant students to dream, parents to hope and communities to grow. Scholarships cater the deserving and worthy students with different strengths, needs and ambitions.**



1. It is in the above background, the instant writ petition is required to be decided. The instant writ petition has been preferred with the following prayer:-

i) By an appropriate writ, order or directions, the entire record and note-sheet pertaining to the petitioner scholarship may be summoned by the Court.

ii) By an appropriate writ order or directions, the action of the Respondent Department of not paying the Scholarship cum tuition fee amount to the foreign University after a passage of more than one year may be seriously deprecated.

iii) By an appropriate writ order or directions, the Respondents may be directed to release the fees for the first year, 2024, and also for the upcoming session of 2025 i.e. Second year towards the payment of fees to the Foreign University in terms of the selection letter dated 30.11.2023.

vi) By an appropriate order or direction, the action of the respondent Department may be deprecated in the strongest terms, and appropriate departmental inquiry may be initiated against the delinquent officer responsible for jeopardizing the interest of an Indian Student in a foreign Country.



v) Any other relief which this Hon'ble Court may deem fit may be passed in favor of the Humble Petitioner and citizens of Rajasthan."

2. By way of filing this writ petition, the petitioner is seeking direction against the respondents for paying scholarship-cum-tuition fee amount in view of her admission to the foreign university and release the first year fee for the year 2024 and the remaining fee for the up-coming sessions.

3. Learned counsel for the petitioner submits that in pursuance of the Rajiv Gandhi Scholarship Academic Excellence Scheme (now known as "Swami Vivekananda Scholarship Scheme"), the petitioner submitted an application before the respondents for grant of scholarship. Counsel submits that on the basis of the documents furnished by the petitioner, she was provisionally selected for getting the aforesaid scholarship for academic excellence. Counsel submits that an application was submitted by her for getting scholarship on the basis of the Income Tax Return (for short, "the ITR") of the family, for the academic excellence for the Financial Year 2023-24 (Phase-I & II) and the petitioner was selected by the respondents on the basis of the said documents vide order dated 30.11.2023 and thereafter, the application submitted by the petitioner was approved and the petitioner was finally selected to pursue higher studies in foreign University. Counsel submits that admission was taken by the petitioner in Bachelor of Science, UG in the University of Western Australia and her studies commenced in the month of February, 2024.

4. Counsel submits that in spite of selection of the petitioner for getting the aforesaid scholarship and her admission in the foreign





University, the respondents have not released the requisite scholarship either in favour of the petitioner or in favour of the foreign University. Counsel submits that several correspondences were made in this regard, but all went in vain. Counsel submits that even the respondents sought the details from the concerned University with regard to the fee, but in spite of above, nothing was done for the reasons best known to the respondents. Counsel submits that certain communications through e-mails were sent to the petitioner with regard to the income of the family and in response to the aforesaid e-mails, the required documents were submitted which indicate that the entire family income of the petitioner is depended upon the agricultural crops and the same yielded low due to less cultivation and that is why the income was affected.

5. Counsel submits that this alone cannot be a ground to deny scholarship to the petitioner only on the count that brother of the petitioner got scholarship under E2 category. Lastly, he argued that the petitioner has already gone to study and more than one year has passed thereafter. She has spent a huge amount and went to Australia on Student VISA, on the basis of the assurance given by the respondents and she has got the legitimate expectation from the respondents, and now the respondents cannot be allowed to withdraw the same, hence, under these circumstances, interference of this Court is warranted and appropriate orders/ directions be issued to the respondents in the interest of petitioner.

6. *Per contra*, learned counsel for the respondent-State opposes the arguments raised by the counsel for the petitioner and





submits that brother of the petitioner-Vishwajeet Singh Deora was granted scholarship under E2 category on the basis of the annual income of the family of the petitioner. Counsel submits that in the Financial Year 2021-22, the annual income of the family of the petitioner was Rs.13,35,830/- and in the Financial Year 2022-23 it was Rs.13,55,600/-, but in the subsequent year, i.e., in the year 2023-24 the annual income of the family was shown as Rs.6,96,680/-, in order to get the benefit of Scholarship under E1 Category. Counsel submits that looking to the discrepancy in the gross family income of the petitioner, an expert opinion was sought from the Chartered Accountant (for short, "the CA"), who after perusing the ITRs of family members of the petitioner, assessed their gross family income as Rs.11,32,220/-. Counsel submits that under these circumstances, the case of the petitioner could not have been considered, for granting scholarship in E1 Category and the communication regarding the same was made to the petitioner on 30.11.2023 itself along-with the Department of Information Technology (for short, "the DOIT") for reverting the application of the petitioner to the Selection Committee and it was done by the DOIT on the very same day. A clarification was also sought from the petitioner on the same day. Counsel submits that on the basis of the income assessed by the expert CA, i.e., Rs.11,32,220/-, the case of the petitioner could not have been considered for granting scholarship under the E1 category, hence, under these circumstances, interference of this Court is not warranted.

7. Heard and considered the submissions made at Bar and perused the material available on the record.



8. Before entering into the controversy involved in this writ petition, this Court deems it just and proper to deal with the issue of importance of Scholarship and its benefits and objectives.

9. Now-a-days, the price of higher education is on the rise. According to the National Center for Education Statistics, the cost of tuition, fees, and board at private Colleges and Universities are increasing day-by-day in our country as well as in foreign Colleges and Universities. It may be difficult and tough for the general public to keep up with the escalating expenditures of Education now-a-days. Scholarship helps the students to pay for the education by providing financial assistance. The importance of Scholarship may help some of the students and their families to bridge the financial differences. The Scholarship may help the students to receive the education which they would not otherwise be able to obtain. For many students, Scholarships are more than just financial help.

10. There are several sorts of Scholarships that students can apply for. The student who excel in academics, sports or creative pursuits may be eligible for Scholarship to certain Universities and Colleges.

11. Education has become one of the most valuable and costly thing in today's society. Scholarships emerge as the most preferred kind of financial help in this situation.

12. Swami Vivekananda Scholarship for Academic Excellence Scheme is an initiative of the Government of Rajasthan, for the students planning to pursue the Undergraduate, Postgraduate, Ph.D., and Post-Doctoral research programs abroad. Formerly known as the "Rajiv Gandhi Scholarship for Academic Excellence",





this scheme aims to provide scholarships to residents of Rajasthan pursuing higher studies in any subject/ course at a top-ranked university/ institution. This includes the top Universities globally and top institutions in India. Selected students would receive full tuition fees and living expenses, as per their category under the Scholarship Scheme. The Government of Rajasthan has allocated 200 seats for awarding Scholarships each year. The Government has strictly clarified that any sort of false/ misleading information, during the application process, shall lead to the disqualification of the candidates.

13. The benefits under this Scheme are divided into categories, i.e., E1, E2, and E3 and the said categories are divided as per the academic requirements, i.e., Tuition Fees & Living Expenses. The category of the students is determined on the basis of the annual income of the family of the students and the same is mentioned as below:-

For E1: Annual income less than 8 Lakhs

For E2: Annual income between 8 to 25 Lakhs

For E3: Annual income more than 25 Lakhs

E1, E2 & E3 Categories define distinct income brackets that determine the level of financial assistance awarded in each category. Candidates of E1 category are entitled to get more benefits of the Scheme.

14. Now, we may revert back to the controversy involved in this writ petition. The facts pleaded in this writ petition reveal that the petitioner submitted an online application for getting Scholarship under the Rajiv Gandhi Scholarship for Academic Excellence before the Department of College Education, Government of Rajasthan on







26.06.2023 for pursuing her three year undergraduate course of Bachelor of Science (for short, "the B.Sc.") with the Australian University. On the basis of annual income of family of the petitioner, she was provisionally selected for getting the Scholarship for the Financial Year 2023-24 under E1 Category (Phase I & II), as the gross income of petitioner's family was assessed below Rs.8 lakhs per annum as on 10.11.2023. The respondents finally selected petitioner for granting the Scholarship under the aforesaid Scheme to pursue B.Sc.-UG from the Australian University.

As per the petitioner, she got admission in the Australian University and her studies of B.Sc., commenced in the month of February, 2024, but she did not receive any sort of Scholarship amount, in spite of passing of a year. The University sent several communication through e-mails to the respondents for releasing the amount of Scholarship, but no heed was paid by them. Hence, under these circumstances, she approached this Court for redressal of her grievances.

15. It is the case of the respondents that as per the annual income documents, submitted by the petitioner, the entire income of her family was assessed to be less than Rs.8 lakhs per annum, hence, she was selected for E1 Category on provisional basis and was selected finally on 30.11.2023, but later on this fact came into notice of the respondents that elder brother of the petitioner- Vishwajeet Singh Deora has also applied for Scholarship Scheme for the Academic Session 2022-23, wherein the annual income of the petitioner's family for the Financial Year was shown as







Rs.13,35,830/- and he was selected under E2 Category. Hence, noticing this fact the application of the petitioner bearing No.353 was reverted back to DOIT on 30.11.2023 itself and on that day only an e-mail was sent to the petitioner seeking the clarification regarding the variation in annual income of the petitioner's family and after receiving the response of the petitioner and looking into the ITRs of the petitioner's family for the Financial Years from 2022 to 2025, an expert opinion was sought from the Chartered Accountant, who assessed the income of the petitioner's family as Rs.11,32,220/- which disqualified the petitioner's claim under E1 Category. The explanation furnished by the petitioner with regard to declaration of the family income, was due to loss in crop yielding and cultivation. Once it was established that brother of the petitioner is getting the benefit of the Scholarship Scheme under E2 Category, the petitioner cannot take the benefit of a lower category falling under E1 category. It appears that in order to derive more benefit under E1 Category, the less income was shown by the family of the petitioner in the later ITRs. As per the ITRs of the family members of the petitioner for the year 2021-22, their assessed income was shown as Rs.13,35,830/- but in the Financial Year 2022-23, it was shown as Rs.13,55,600/-. A higher income was shown in the Financial Year 2022-23 for getting the benefit of Scholarship for the elder brother of the petitioner under the E2 Category and after getting the benefit of the same, the annual income of the petitioner's family was decreased and shown as Rs.6,96,680/- in the Financial Year 2023-24, to get the benefit of the Scholarship Scheme under the E1 Category for the





petitioner. The expert opinion of the Chartered Accountant assessed that the gross family income of the petitioner's family was Rs.11,32,220/-p.a. It appears that for getting the benefit of Scholarship of E1 category, less income of the family was shown in the ITRs, inasmuch as the benefits of Scholarship of E1 Category are higher than the category of E2, which the elder brother of the petitioner is already getting in the year 2022-23. Hence, the petitioner is not eligible and entitled to get the benefits of Scholarship under E1 Category. This Court finds no valid reason to doubt the expert opinion of the Chartered Accountant. The respondents have not caused any illegality in reverting back the application to the Selection Committee on 30.11.2023 and since the petitioner has not assailed the aforesaid action of the respondents, hence she is bound by the same.

16. This Court finds no substance in the arguments of the petitioner that she got legitimate expectation from the respondents to get admission in foreign University on the basis of her provisional and final selection by the Government to get scholarship under E1 Category. The letter regarding final selection was issued to the petitioner on 30.11.2023 and on the very same day, the Scholarship Application of the petitioner bearing number 353 was reverted back to the Selection Committee and an e-mail in this regard was sent to DOIT and the petitioner. Thereafter, several correspondences were done between the petitioner and the respondents with regard to the discrepancy in the annual income of the family of the petitioner, pertaining to the Financial Year 2023-24. But at no point of time, any assurance was given





or promise was made by the respondents to allow the petitioner to get admission in any Foreign University. The petitioner at her own and risk, got the admission without any basis and continued her studies since February, 2024. The respondents have not sent/issued any written communication to the Foreign University with regard to admission of the petitioner or any letter or communication for payment of any amount of scholarship to her.

17. The term "legitimate expectation", which was coined by Lord Denning in 1969, is an expectation of an ordinary man to have benefit or relief, which is a consequence of a promise or representation, either express or implied, made by the administrative authority concerned or its prior established practice. Hence, a legitimate expectation is an expectation to be treated in a particular way by the administrative authority or to receive some benefit as a matter of public law, although no such enforceable right is conferred on him under private law. Thus, this doctrine creates a central space between 'no claim' and a 'legal claim'.

18. The Hon'ble Supreme Court has described this doctrine accurately in the case of **Ram Pravesh Singh and Ors. v. State of Bihar and Ors.** reported in **(2006) 8 SCC 381**, as "a person can be said to have a 'legitimate expectation' of a particular treatment, if any representation or promise is made by an authority, either expressly or impliedly, or if the regular and consistent past practice of the authority gives room for such expectation in the normal course". Thus, the Hon'ble Supreme Court, through various judgments, has developed this doctrine in





order to keep a check on the abuse of administrative power by public bodies.

19. There is no legal right conferred on an expectant, the person who has a legitimate expectation, in the application of the doctrine of legitimate expectation, in administrative actions. As it is not a legal right, it is not absolutely enforceable in all cases. This doctrine is a concept designed by the Courts; hence, it is up to the Courts to decide on its enforceability.

Therefore, the legitimate expectation is neither a legal right given to an expectant nor a duty of administrative authority, but rather a procedural aspect on the part of the Courts for invoking their power of judicial review of administrative actions that affect the said person, based on the requirement.

20. Herein the instant case, neither any promise nor any representation was made by the respondents, either expressly or impliedly in favour of the petitioner at any point of time. The final selection for Scholarship was made on 30.11.2023 and on the very same day, her application was reverted back to DOIT and therefore, simply correspondences were with the petitioner about sudden reduction of income of the petitioner's family. Hence, petitioner cannot claim any legitimate expectation as a matter of right

21. As a matter of fact, no legal right has been conferred upon the petitioner on the basis of the final selection letter dated 30.11.2023 because her application for getting Scholarship was reverted on 30.11.2023 itself to the Selection Committee and the communication in this regard was made to the petitioner and





Department of Information Technology. Thereafter, no steps were taken by the respondent for promising her to get the benefit of the Scholarship under E1 category. Hence, the petitioner is not entitled to get any benefit of the term "legitimate expectation".

In view of the discussion made herein above, this Court finds no merit and substance in this writ petition. Hence, the same is liable to be and is hereby rejected.

22. Stay application and all pending application(s), if any, also stands rejected.

23. Before parting with this order, this court feels pain to observe that hard earned money of the taxpayers is misused by the Government of Rajasthan by giving the benefit of Scholarship under this Scheme known as "Swami Vivekananda Scholarship Scheme" (previously known as "Rajiv Gandhi Scholarship scheme). The benefit of this Scheme under E3 Category has been claimed by most of the candidates, who are well-off and their family is earning sufficient amount of annual income. It appears that this Scheme has been prepared for giving benefit to certain class of persons, whose annual income is more than Rs.25 lakhs. No merit criteria has been fixed for getting the benefit of E3 category.

24. By granting the benefit of the Scheme, in huge amount, to such Category of candidates having no merit or excellent academic record would frustrate the very purpose of Scholarship.

A Scholarship is a lump-sum amount of money provided to a student to help him or her to pay for education. Students are getting scholarship on the basis of their academic achievements,





while the other students are rewarded on the basis of their financial needs who are not able to pursue higher studies at top level University/ College because of financial crisis. In any event, every Scholarship must include pre-requisition, which are characteristics that a student must possess in order to consider for the award.



25. The concept and object of Scholarship is to grant the same to the students who are in need of the same. Importance of Scholarship may be to assist certain families in bridging the financial gap. In today's culture, education has become one of the most important and pricey commodity. Most High School graduates seek financial help in order to pursue a career that involves several years of study, therefore the Scholarships are especially vital for deserving students.

26. But, it has been noticed that these benefits in the name of Scholarship are extended to many rich candidates, whose parents are wealthy and are financially sound and even then, they are getting these benefits because of the fact that their parents are at influential positions.

27. The actual benefit of the Scholarship is not extended to the poor and needy, who are actually scholar, academically sound and excellent, but not having any influential position to get the benefit of this Scheme.

28. Considering the seriousness of the issue, this Court deemed it just and proper to direct the respondent-State vide order dated 17.04.2025 to furnish a complete list of candidates to whom the benefits of Scholarship under the categories of E1, E2, and E3



have been extended, from the date of inception of this Schemes. But, no such list of the beneficiaries and complete details of parents of such candidates has been submitted on record by the respondents for the reasons best known to them. Non-furnishing of the list of the beneficiaries and the details of their parents reveals that the Government is not inclined to bring the truth on the record with a view to hide the identity of the beneficiaries and their parents.

29. Millions of rupees have been given in the name of such Scholarships to those candidates of the rich & wealthy parents who are in fact, not in need to receive the same. By getting the benefits of such Scholarships by those candidates, they are actually depriving those needy, poor and scholar candidates who are outstanding in their studies, whose academic record is excellent and who want to pursue their higher studies in renowned University/ College in the nation and across the world. But, they have been deprived to get the benefits of the same because these scholarships are given to the wards of the wealthy, rich and influential parents.

30. All these Scholarships, in millions of rupees, are given to such rich and wealthy candidates from the public money and Government exchequer from the hard earned money of the taxpayers. Such hard earned money of taxpayers cannot be allowed to be misused for the benefits of these candidates, who are in fact not entitled to get the same.

31. This Court cannot shut and close its eyes to such discretionary functioning of the Government and its officials who







are misusing the public money and government exchequer in the name of granting Scholarships to those, who are not in fact entitled to receive the same.

32. Taking a serious note of this situation, this Court takes a judicial notice of the present situation of misuse of the public money by the respondents in the garb of Scholarships. Looking to the seriousness of the issue, the respondents are directed to submit detail response to the issue that why this Scheme should not be stopped and/ or closed to stop the misuse of the public money and government exchequers.

33. Until further orders, the respondents are restrained to grant the benefits of this Scholarship Scheme to any candidates, falling under E3 category.

34. The respondents are once again directed to comply with the order dated 17.04.2025 passed by this Court and submit the complete list of all the candidates along-with the details of their parents, to whom the benefits of the Scholarship Scheme under the Categories of E1, E2, and E3 have been granted, since the date of inception of the Scheme to till date.

35. Re-notify this matter on 09.05.2025, before this Court at the top of the list.

36. This Court requests Mr.Shivangshu Naval, Mr.R. D. Rastogi, Additional Solicitor General and Mr.Vigyan Shah, Additional Advocate General to assist the Court. Their names be reflected in the cause-list.

37. Let a copy of this order be sent to the Chief Secretary, Government of Rajasthan; Principal Secretary, Department of





College Education; Nodal Officer of Swami Vivekananda  
Scholarship Scheme and respondent Nos.3 & 4 for needful  
compliance of the directions issued in Paras No. 33 & 34.

(ANOOP KUMAR DHAND),J



Aayush Sharma /250-s