



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR



S.B. Civil Writ Petition No. 336/2026

Devendra Kumar Kothari S/o Shri Sundar Lal Kothari, Aged About 59 Years, R/o Flat No. 301, Forest View Residency, Krishnapuri, Model Town, Jagatpura Road, Jaipur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Additional Chief Secretary, Department Of College Education, Directorate Of College Education, Block-4, Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur
2. Selection Committee, Swami Vivekananda Scholarship For Academic Excellence Scheme Through Joint Director (Svs), Commissionerate Of College Education, Block-4, Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur

----Respondents

For Petitioner(s)	: Dr. Abhinav Sharma Ms. Puja Sharma Mr. Akshay Verma Mr. Vishal Choudhary
For Respondent(s)	: Mr. S.S. Naruka, AAG with Ms. Ritika Naruka Ms. Gunjan Vaid, (Professor) Department of College Education

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

15/01/2026

1. The present writ petition has been filed by the petitioner being aggrieved by the communication dated 19.12.2025, vide which the application of the petitioner's son - **Mr. Prakhar Kothari (applicant)**, seeking grant of scholarship under the Swami Vivekananda Scholarship for Academic Excellence Scheme





(hereinafter referred to as "**the Scholarship Scheme**"), has been rejected by the respondents.

2. Learned counsel for the petitioner, Mr. Abhinav Sharma submits that the rejection of the application filed by the applicant vide order dated 19.12.2025 is without any reasoning which is evident from the perusal of the said communication, however, it was only when the petitioner approached the respondent – Authority that he was communicated that the sole reason for rejection of the application was the grant of Scholarship to the wife of the applicant, i.e. petitioner's daughter-in-law under the Scholarship Scheme prior to her marriage with the applicant.

To clarify, the ground for rejection is that, since Ms. Aarushi Asawa, who is wife of the applicant and daughter-in-law of the petitioner, received scholarship on 09.09.2022, prior to her marriage with the applicant – Mr. Prakhar Kothari, considering the condition No.9(ii) of the Scholarship Scheme dated 20.08.2025, the applicant is not eligible for being considered for the scholarship.

3. Learned counsel submits that the said disqualification is *per se* arbitrary and unjustified. Learned counsel submits that the respondents have failed to rightfully consider the clause 9(ii) of the Scholarship Scheme, as though the said clause provides that under the E-3 Category only one member of the family is eligible to receive the scholarship under any circumstances, however, the said clause will not exclude the applicant as when the scholarship was awarded to the wife of the applicant, she was not a member of the family of the applicant. Learned counsel further submits that a welfare scheme, under no circumstances can be read in





such a manner so as to deprive an eligible candidate from such benefit and that too for no fault of his. Learned counsel further submits that he has disclosed all the facts, more particularly with respect to the award of scholarship to the applicant's wife on 09.09.2022, the marriage of the applicant on 01.04.2023 and the fact that no such benefit under the Scholarship Scheme has been taken by any member of the family post 01.04.2023.

4. Accordingly, it is prayed that the respondents deserve to be directed to consider the application of the applicant under the Scholarship Scheme and the rejection of the application vide order dated 19.12.2025 be held to be bad in law.

5. *E-converso*, Mr. S.S. Naruka, learned Additional Advocate General, submits that the Scholarship Scheme, though undisputedly is beneficial in nature, however, cannot be expanded beyond the condition stipulated therein and any scholarship to an applicant can be awarded only upon fulfillment of the prescribed eligibility criteria provided. Learned counsel submits that it is not disputed that the applicant falls within the E-3 Category and stands duly covered by clauses 8(i) read with clause 9(ii) of the Scholarship Scheme. As per clause 8(i)(v), if a wife has already received the benefit of the scholarship prior to marriage, then after marriage, the family is restricted to the husband and wife only, and the husband shall not be eligible for the scholarship and thus, once it is not disputed that Ms. Aarushi Asawa, wife of the applicant, has already availed the benefit of the Scholarship Scheme, granting benefit to the applicant would certainly breach the clause 9(ii) of the Scholarship Scheme as it explicitly provides that in the E-3 Category, only one member of the family is eligible





to receive the scholarship under any circumstances. Thus, he prays that the writ petition be dismissed.

6. Heard learned counsel for both the parties and perused the material available on record.

7. This Court while dealing with the similar matter relating to grant of the Scholarship Scheme in **S.B. Civil Writ Petition**

No.18608/2025 titled as **Aaradhya Jain Vs. State of Rajasthan and Others**, had an occasion to consider the present scheme. Relevant extract of the order dated 10.12.2025 reads as under:-

"17. Scholarship, is and has always played a pivotal role in bridging the financial gap between the availability of funds and the cost of higher education. For a large number of students, financial constraints become a serious obstacle in pursuing higher studies at reputed institutions and it is these scholarships that play a crucial role in bridging this financial gap and enabling deserving students to continue their education. They are not merely financial assistance but represent life-changing opportunities that empower merit and nurture talent. The very object of a scholarship is to ensure that lack of resources does not defeat educational aspirations.

18. The Swami Vivekananda Scholarship for Academic Excellence Scheme, formerly known as the Rajiv Gandhi Scholarship for Academic Excellence, is an initiative of the Government of Rajasthan with the object of enabling meritorious students who are residents of the State to pursue higher education at leading institutions in India as well as at globally top-ranked universities abroad. The Scheme applies to students seeking to undertake Undergraduate, Post-Graduate, Ph.D. and Post-Doctoral research programmes. Under the Scheme, the selected candidates are extended the benefit of full tuition fees along with living expenses, in accordance with their respective category.

19. The benefits under this Scheme are divided into three categories, i.e., E1, E2, and E3 and the said categories are further divided as per the academic requirements, i.e., Tuition Fees & Living Expenses. The category of the student is determined on the basis of the annual income of the family of the student in the following manner:-





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.

...

22. Applying the IInd SVS scheme upon the petitioner, solely on the ground that the final selection letter was dated 14.08.2024 will neither be justified in letter or in spirit, as it is not the case of the respondents that even the deferment of the petitioner has been done on account of any fault of the petitioner. The very intent of the State Government in floating such scholarship schemes is absolutely pious and is to promote education and thus, the said purpose itself would stand defeated in case any such interpretation is taken. Any hyper-technical approach on the part of the respondents, particularly in matters relating to beneficial and welfare-oriented schemes, is wholly impermissible. The object of the present Scheme is to promote academic excellence and to ensure that deserving students are not denied opportunities on account of their economic limitations. Therefore, the provisions of the Scheme are required to be construed in a purposive, pragmatic and liberal manner, so that its true spirit is advanced and not frustrated by rigid, mechanical or hyper-technical application."

(emphasis supplied)

8. In light of the aforesaid exposition of law and keeping in view the object of the Scholarship Scheme, this Court shall now proceed to examine the undisputed factual matrix of the present matter:-

(i) The applicant – Prakhar Kothari, who is son of the petitioner and is currently perusing the course MBAi (Post-graduate) programme in the Kellogg School of Management, Northwestern University, USA, got married to Ms. Aarushi Asawa on 01.04.2023.

(ii) Ms. Aarushi Asawa was selected under the Scholarship Scheme while she was unmarried and member of the Asawa family on 09.09.2022.





(iii) It was only after the marriage of the applicant with Ms. Aarushi Asawa on 01.04.2023 that Ms. Aarushi Asawa became the family member of the applicant.

(iv) No other member of the family of the applicant has received any benefit under the Scholarship Scheme.

9. Clause 8(i) of the Scholarship Scheme, which defines family and assessment of income reads as under:-

"8. परिवार की परिभाषा एवं आय का निर्धारण

(i) स्कीम में आय निर्धारण हेतु परिवार को निम्न प्रकार परिभाषित किया जाएगा-

अवस्था/स्थिति	गणना योग्य आय
माता-पिता दोनों के जीवित होने की स्थिति	माता, पिता एवं अभ्यर्थी
माता-पिता दोनों में से किसी एक के जीवित होने की स्थिति	जीवित माता/पिता एवं अभ्यर्थी की आय
माता-पिता दोनों के जीवित नहीं होने की स्थिति	केवल अभ्यर्थी की आय
माता-पिता का तलाक होने की स्थिति	अभ्यर्थी जिसके साथ रह रहा हो, उस माता/पिता की एवं अभ्यर्थी की आय
अभ्यर्थी के विवाहित होने की स्थिति	पति-पत्नी की आय

उपरोक्त वर्णित सभी स्थितियों में हिन्दू अविभाजित परिवार की आय तथा किसी कम्पनी में निदेशक/अधिकारी से वेतन के रूप में प्राप्त सकल आय, कंपनी/फर्म की आय/लाभ सम्मिलित होंगे। पार्टनरशिप फर्म/कम्पनी / प्रोपरायटरशिप आदि से होने वाली आय भी जोड़ी जाएगी।

आवेदक की सकल पारिवारिक आय संबंधी शंका/शिकायत होने पर विभाग की समिति द्वारा सम्पादित जांच ही मान्य होगी। अभ्यर्थी द्वारा AIS





(Annual Information Statement), TIS (Taxpayer Information Summary) इन्कम टैक्स डिपार्टमेंट की वेबसाइट से लिया जायेगा। प्रत्येक अभ्यर्थी को पार्टनरशिप फर्म/कम्पनी / प्रोपरायटरशिप सम्बन्धी शपथ पत्र प्रस्तुत करना होगा। तलाक की स्थिति में अभ्यर्थी द्वारा तलाक की डिक्री व शपथ पत्र प्रस्तुत नहीं करने पर परिवार की सकल आय की गणना दिशा-निर्देश में दी गई पारिवारिक आय के अनुसार की जायेगी।"

Clause 9 of the Scholarship Scheme, which provides for the number of members of a family who are entitled for award of scholarship, reads as under:-

"9. छात्रवृत्ति अवार्ड हेतु एक परिवार के अधिकतम लाभार्थियों की संख्या

(i) सामान्यतः एक परिवार से एक ही संतान को छात्रवृत्ति प्रदान की जायेगी परन्तु निम्नलिखित स्थितियों में E1 व E2 श्रेणी के परिवार में एक ही परिवार से 02 संतान को भी छात्रवृत्ति देय होगी-

अ)- परिवार में अगर पहली छात्रवृत्ति पुत्री को प्रदान की जा चुकी होगी तो ऐसी स्थिति में दूसरी आवेदक संतान अगर पुत्री होगी तो दूसरी पुत्री को भी छात्रवृत्ति देय होगी।

ब) परिवार में अगर पहली छात्रवृत्ति पुत्र को प्रदान की जा चुकी होगी तो ऐसे में दूसरी आवेदक संतान अगर पुत्री होगी तो पुत्री को भी छात्रवृत्ति देय होगी।

स)- किसी भी स्थिति में छात्रवृत्ति दो से अधिक संतान को देय नहीं होगी।

(ii) E3 श्रेणी के परिवार से किसी भी स्थिति में एक ही सदस्य को यह छात्रवृत्ति देय होगी।"





10. Learned counsel for the respondent has specifically relied upon clause 9(ii) to submit that once the wife of the applicant has received scholarship under the Scholarship Scheme, she being member of the family of the applicant, though post marriage, it is the applicant, who would now be ineligible to receive any scholarship.

11. At first blush, such submission may look attractive, however, if considered closely, accepting the same would defeat the laudable object of the scheme and would also lead to an interpretation which would run contrary to the very intent and purpose for which such Scholarship Schemes are formulated and introduced by the State Government. Grant of scholarship to a person prior to her wedding, when she was a member of her father's family under no circumstances can render her husband ineligible for the said scheme post marriage. The definition of the word "family" in these circumstances cannot be allowed to shift as the wife of the applicant was earlier a member of Asawa family and post marriage, she is a member of Kothari family. Thus, grant of one scholarship to a female candidate cannot result into ineligibility for two families.

12. Thus, the interpretation that if the wife of the applicant has been awarded scholarship prior to the marriage would make the husband ineligible to apply for the said scholarship is wholly unwarranted and unacceptable and consequently, the rejection of the application on the said ground is not tenable in the eyes of law.



13. In view of the above, the rejection of the application of the applicant/petitioner's son, vide order dated 19.12.2025 is quashed and the respondents are directed to consider the application of the applicant on merits in accordance with the terms of the Scholarship Scheme, without being influenced by the rejection of the application vide order dated 19.12.2025.
14. With the above directions, the writ petition is allowed.
15. All pending application(s), if any, stands disposed of.

(ANUROOP SINGHI),J

JAYANT KUMAR /64

