

Court No. - 7

Case :- WRIT - C No. - 9316 of 2023

Petitioner :- Razi Ahmad

Respondent :- Managing Director, National Minorities Development And Finance Corporation, Delhi And Others

Counsel for Petitioner :- Rajendra Kumar Gupta, Priyanka Pal

Counsel for Respondent :- Gibran Akhtar Khan, C.S.C., Diwakar Singh

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for State-respondent nos. 3 & 5, Shri Gibran Akhtar Khan, learned counsel for respondent no. 1 and Shri Diwakar Singh, learned counsel for respondent nos. 2, 4 & 6.

2. With the consent of learned counsel appearing for the contesting parties, the instant writ petition is being finally decided at the admission stage.

3. Instant petition is a glaring example of casual and cavalier attitude of the respondent-Corporation towards the interest of the students.

4. Contention of learned counsel for the petitioner is that the son of the petitioner had obtained admission in the Medical Faculty of Federal State Budgetary Educational Institution of Higher Education "Academician Ye. A. Vagner Perm State Medical University" Ministry of Healthcare of the Russian Federation (hereinafter referred to as "Institute") for higher education in Russia.

5. As the petitioner was not having sufficient finances to support the education of his child namely Shri Ahmad Raza, he approached the respondent no. 2 for an education loan.

6. The respondent no. 2, vide letter dated 20.02.2021, A copy of which Annexure No. 6 to the petition, sanctioned a loan of Rs. 24 lakhs to the petitioner for pursuing the MBBS course of his son. It was also

indicated that loan will be available for full term as per Committee decision of the course after completion of legal formalities and that the amount of loan would be remitted to the Institution concerned.

7. It is contended that the petitioner completed all the formalities for the aforesaid loan and an initial installment was also deposited by the respondent no. 2 with the Institution concerned for the year 2020 and 2021.

8. However, when for the Session 2022, the amount was not deposited by the respondent no. 2 with the Institution concerned, the petitioner was constrained to approach this Court by filing Writ-C No. 196 of 2023 in re: Rafi Ahmad Vs. Managing Director, Minorities Finance and Development Corporation, Delhi And Others. This Court, vide order dated 12.01.2023, required the competent authority to decide the representation of the petitioner. In pursuance thereof, the respondent no.2 has passed an order dated 15.05.2023, a copy of which Annexure No. 8 to the petition, wherein various grounds have been taken and the burden of non-disbursement of loan has been shifted from one authority to the other and primarily contending that as finances are not available with the respondent no. 2 and it is also facing financial crisis consequently it is unable to remit the balance amount as due towards the educational studies of the petitioner's son.

9. Argument of learned counsel for the petitioner is that once the respondent no. 2 had sanctioned the amount of Rs. 24 lakhs as education loan on certain terms and conditions which were all fulfilled by the petitioner and installments thereof for the years 2020 and 2021 were also remitted to the Institution concerned by the respondent no. 2 itself right up to 2021 consequently even if the respondent no. 2 is having some financial crisis consequently the same cannot be a valid ground for the respondent no. 2 to not send to the amount, as disbursed towards the education loan, to the Institution concerned as non-sending of the amount, which is towards educational fee for

petitioner's son who is studying in a foreign country would render, apart from the educational career of the petitioner's son being jeopardized, he also being thrown out of the country on account of non-payment of the fee which would not be in any interest of anyone.

10. In response Shri Diwakar Singh, learned counsel for respondent nos. 2, 4 & 6 states that respondent no. 2 is only a channelizing agency of the funds which are received from the National Minority Finance Corporation i.e. respondent no. 1 and as the funds have not been received from the respondent no. 1 consequently balance installment which were due to be sent to the Institution concerned could not be sent.

11. In response to that Shri Gibran Akhtar Khan, learned counsel for respondent no. 1 states that entire funds as are required by the respondent no. 2 had duly been remitted by the respondent no. 1 but the same were returned by the respondent no. 2 on its own accord. He also states that certain financial irregularities have taken place with the respondent no. 2-Corporation.

12. In response to aforesaid averment by Shri Gibran Akhtar Khan, learned counsel for respondent no. 1, Shri Diwakar Singh, learned counsel for respondent nos. 2, 4 & 6 states that in the 69th Board Meeting of the Corporation, it has been decided to wind up the Corporation thus it is not possible to make any further payments towards the education loan/fee despite the disbursement of the loan to the petitioner for the educational studies of the petitioner's son.

13. Having heard the learned counsels for the parties and having perused the record what emerges is that admittedly the respondent no. 2 had sanctioned an amount of Rs. 24 lakhs to the petitioner for the purpose of MBBS course which was being undergone by the petitioner's son in Russia. Despite the respondent no. 2 having disbursed the installments right up to 2021 yet the subsequent

installments for the year 2022 & 2023 have still not been disbursed which has resulted in the petitioner approaching this Court for redressal of his grievance.

14. In pursuance to the direction by this Court by which the respondent no. 2 was required to consider the petitioner's representation, the respondent no. 2, vide letter dated 15.05.2023, has indicated that on account of financial crisis with which the respondent no. 2 is faced it is not possible to disburse the balance amount of loan towards the fee of the petitioner's son. Once the respondent no. 2 had itself sanctioned and disbursed the loan to the petitioner on account of the petitioner having approached the respondent no. 2 and in case it was faced with financial crisis it should not have sanctioned the amount. Sanctioning of the loan on the one hand and that too for pursuing of the education of the petitioner's son in a foreign country (Russia herein) and thereafter resiling from the same cannot be accepted by any accord. The pitfalls of the aforesaid conduct of the respondent no. 2 would have to be faced by the petitioner's son and that too in a foreign country.

15. Even if the argument of learned counsel for the respondent no. 2 of being faced with the financial crisis is seen at its face value, the said financial crisis would have nothing to do with the sanction of the loan which has already been made by the respondent no. 2 in favour of the petitioner. It is an internal difficulty which is to be sorted out between the respondent nos. 1 & 2 with which the petitioner has no concern.

16. Considering the aforesaid, the writ petition is **allowed**. The respondent no. 2 is directed to disburse the balance amount of the loan that had been sanctioned to the petitioner vide order dated 20.02.2021 as per the said terms and conditions.

17. Let the disbursement of the amount for the year 2022 & 2023 be

disbursed within a period of three weeks in terms of the loan sanction letter dated 20.02.2021.

18. It would be open for the respondent no. 2 to approach the respondent no. 1 for sanction of funds for having this order complied. It is also provided that in case the respondent no. 2 approaches the respondent no. 1 for sanction of the funds the same would be disbursed expeditiously in accordance with law.

Order Date :- 19.10.2023/Mohit Singh/-