

GAHC010202102023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5267/2023

BHANUMATI PEGU
D/O- SRI HITESH PEGU,
RESIDENT OF VILLAGE- LOTAK, P.O. AND P.S.- GOGAMUKH,
DISTRICT- DHEMAJI, PIN- 787034, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
EDUCATION DEPTT. (ELEMENTARY),
DISPUR, GUWAHATI-06.

2:THE DIRECTOR ELEMENTARY EDUCATION ASSAM
(SCHOLARSHIP)
KAHILIPARA
GUWAHATI- 19.

3:DISTRICT ELEMENTARY EDUCATION OFFICER DHEMAJI PIN- 787057.

4:BRANCH MANAGER STATE BANK OF INDIA
DISPUR BRANCH DISPUR
GUWAHATI-06.

5:BRANCH MANAGER UNITED BANK OF INDIA
MINGMANG BRANCH
(UTBIOMMG87)
MINGMANG
DHEMAJI
PIN- 787029

Advocate for the Petitioner : MR. R M CHOUDHURY
Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 05.01.2024

Heard Mr. R. M. Choudhury, learned counsel for the petitioner. Also heard Mr. P. K. Borah, learned standing counsel, Elementary Education Department, appearing on behalf of respondents No. 1, 2 & 3. However, none appears on behalf of respondents No. 4 & 5.

The petitioner by way of instituting this writ petition, has raised a grievance with regard to non-receipt of the amounts due to her against a scholarship amount which was kept in the form of "Term Deposit Advice" with the State Bank of India, Dispur Branch, Dispur.

It is the projected case of the petitioner that the maturity amount of the said "Term Deposit Advice" was deposited in the account of one Smti. Nikumoni Senapati on account of wrong recording of the Account Number in the said "Term Deposit Advice" by the concerned Bank authorities. In view of the said position, the petitioner has been denied of her due benefits. The petitioner had repeatedly approached the Bank authorities praying for rectification in the matter. However, no positive steps have been taken by the Bank authorities as yet. Hence, this writ petition.

On 08.11.2023, when the matter was taken-up for consideration, the learned counsel for respondent No. 4 had submitted that the maturity amount due to

the petitioner against the "Term Deposit Advice", in question, would be credited to the account of the petitioner by the State Bank of India, Dispur Branch, Dispur. It is the submission of Mr. Choudhury, learned counsel for the petitioner, that the said amount is yet to be deposited in the petitioner's Account.

In that view of the matter; this writ petition is hereby disposed of at the motion stage itself, by directing the respondent No. 4 i.e. Branch Manager, State Bank of India, Dispur Branch, Dispur, Guwahati-6, to forthwith credit to the petitioner's Account, the amount due and payable to her in terms of the "Term Deposit Advice" available at Annexure-4 to this writ petition.

The said "Term Deposit Advice" had matured on 26.09.2018 and accordingly, the amount due thereon, shall be calculated as on the applicable rate of interest till the date of deposit and the amount so computed, shall be credited to the petitioner's Account, thereafter.

The entire exercise shall be completed by the concerned Bank authorities within a period of 30(thirty) days from the date of receipt of a certified copy of this order.

The petitioner is to submit a certified copy of this order to the respondent No. 4 i.e. Branch Manager, State Bank of India, Dispur Branch, Dispur, Guwahati-6, immediately, for taking appropriate action. In the event, the said amount is not deposited in the petitioner's Account within the time frame mentioned above;

the amount due shall carry an interest rate of 12% per annum with effect from the date of the said "Term Deposit Advice" till the date of actual deposit of the proceeds to the Account of the petitioner.

JUDGE

Comparing Assistant