

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.454 of 2015

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1. Mohit Mohan Prasad S/o Sri K.M. Prasad, R/o Mohalla- Kazipur Quarter
Road No. 3, P.S. Kadamkuan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. To the Competent Authority/ Branch Manager, Allahabad Bank, Patna
Main Branch, P.S. Kotwali, District Patna
3. Central Public Relation Officer, Allahabad Bank, Zonal Office, P.S.
Kotwali, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Prasad

For the Respondent/s : Mr. Gp15- Sharad Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 14-07-2015 Heard the Counsels for the petitioner and the respondent
Bank.

The petitioner obtained educational loan for study in Master of Business Administration course from Amity University from the respondent Bank. A total sum of Rs. 4,00,000/- was sanctioned on 21.5.2008. The first installment was paid on 22.6.2008 in the sum of Rs. 97,000/-. The second installment was paid on 9.1.2009 in the sum of Rs. 1,02,500/- only. The third installment was paid on 13.5.2009 in the sum of Rs. one lac. In the light of the circular/instruction of the Government of India issued in the Department of Human Resources Development (Annexure-4), it has been contended that the petitioner would be entitled to subsidy allowed under the said circular/instruction on the entire loan amount which was sanctioned and actually disbursed in

favour of the petitioner. He has in this regard, particularly referred to Clause 2(ii) of the circular.

Per contra, the Counsel for the Bank relying on Clause (ix) of the aforesaid instruction/circular submits that scheme was made applicable from the academic year 2009-10. He has also relied on the circular of the Canara Bank, the Nodal Bank, which provides the eligibility in terms of the scheme of the Central Government contained in Annexure-4. Clauses (4) and (5) thereof read as under:-

“4. Scheme is applicable for the loan amount availed from April 01, 2009 to March 31, 2010”

5. For Loans sanctioned earlier to 1.04.2009, only amounts disbursed during the above period.”

It thus appears that the loan sanctioned earlier to 1.4.2009 will qualify for subsidy but only in respect of the amount disbursed during the period 1st April, 2009 to 31st March, 2010. This is precisely the counter affidavit of the respondent Bank. Contention of the petitioner is that he would be entitled to the interest subsidy on the entire loan amount sanctioned irrespective of the year, in my view, is not well founded. No relief, as prayed for, can be granted to the petitioner.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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