

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1133 of 2014

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Ravish Mani Son Of Dinesh Kumar Mani Resident Of Prashad Bhawan, Khabra Road, P.S. Kazi Mohammadpur, District Muzaffarpur

.... Petitioner/s

Versus

1. The Chairman, State Bank Of India, Head Office, Mumbai
2. The Governor, Reserve Bank Of India, Central Office, Mumbai
3. The Regional Director, Reserve Bank Of India, Regional Office, West Gandhi Maidan, Patna
4. The Chief General Manager, Patna Circle, State Bank Of India, Local Head Office, West Gandhi Maidan, Patna
5. The Deputy General Manager, State Bank Of India, Muzaffarpur
6. The Assistant General Manager, Stressed Assets Resolution Branch, State Bank Of India, Muzaffarpur
7. The Assistant General Manager, Rasecc, Sbi Administrative Office, Girdhar Complex, Mithanpura, Muzaffarpur
8. The District Certificate Officer, Muzaffarpur
9. The State Of Bihar Through D.M. Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRASHANT SINHA

For the Respondent/s : Mr. KAUSHLENDRA KUMAR SINHA

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 27-07-2016

Heard Mr. Prashant Sinha for the petitioner, Mr. K.K. Sinha for the respondent Bank and Mr. Jha for the RBI.

The petitioner was advanced education loan. For one reason or the other, he defaulted in making payment thereof. The respondent bank has already instituted a certificate proceeding for realization of the dues from the petitioner in which the petitioner has to appear and file his show cause. The present writ application seeks a direction upon the respondent bank to re-schedule the recovery of the education loan amount. A prayer for settlement of loan in the light of the communication dated June 29, 2009 issued by the Indian Banking

Association (Annexure-8) has also been made.

On query, Mr. Sinha states that the petitioner in the meanwhile has not paid any instalment/dues of the Bank and instead filed an objection/show cause under the relevant provision of the Public Demand Recovery Act before the Certificate Officer. However, a stand has been taken by him that the petitioner, besides filing objection as required of him under the PDR Act in the pending proceeding, would also approach the Bank for settling the dues and payment thereof.

In view of the subsequent events having taken place, in my view, the present writ application does not qualify to be entertained. The petitioner would be at liberty to pursue the certificate proceeding pending against him and shall also be free to approach the respondent Bank for settlement of the dues. If any such effort is made by the petitioner, I am sure, the respondent Bank will respond with all positiveness.

(Kishore Kumar Mandal, J)

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