

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15622 of 2016

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1. Ravi Shankar Rai Son of Ram Dular Rai resident of village - Khakhara, P.O. Mujrarh, P.S. Kargahar, District Rohtas Sasaram

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Govt. of Bihar, Patna
2. The General Manager, District Industries Centre, Rohtas at Sasaram
3. The Nodal Officer, Bank of Baroda, Ashiyana, Patna
4. The Branch Manager, IDBI, Sasaram District Rohtas at Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.

For the State : Mr. Rakesh Ambastha, A.C. to AAG-7

For Respondent No.3 : Mr. Vivek Prasad, Adv.

For Respondent No.4 : Ms Sheela Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-06-2017

This writ application has been filed by the petitioner seeking a direction upon the respondents to release the amount of subsidy to the tune of Rs.2,50,000/- in respect of loan sanctioned in the name of M/s Hanumanji Mini Rice Mill, situated at Village Khakhara, P.O. Mujrarh, P.S. Kargahar, District- Rohtas.

2. The case of the petitioner is that he was sanctioned loan from the Industrial Development Bank of India under the Prime Minister Employment Generation Plan (for short 'PMEGP') and has received Rs.6,25,000/- as subsidy i.e. 25% of the sanctioned amount. The petitioner has claimed that since he belongs to OBC category, he is entitled for payment of Rs.2,50,000/- more as under the scheme in



case of OBC category candidate the subsidy is 35% of the sanctioned amount.

3. A counter affidavit has been filed on behalf of the respondent nos.1 and 2 wherein it is stated that while applying for the loan under PMEGP for the financial year 2013-14, the petitioner had not put his claim under OBC category status and thus he was treated to be under general category. It is also stated that he had not appended his caste certificate to claim any additional benefits.

4. Learned counsel for the respondent nos.1 and 2 submitted that based on the application of the petitioner the concerned Committee in its meeting held on 21.09.2013 appraised the project and selected the petitioner under general category and accordingly loan was disbursed to him and he has also received the subsidy applicable to the candidates of general category. He submitted that the subsequent claim of the petitioner to be treated in the OBC category is not sustainable.

5. I have heard learned counsel for the parties and perused the record.

6. The objection raised by the State in its counter affidavit has not been controverted by the petitioner by filing any rejoinder. Thus, if the petitioner had himself applied in the general category and the respondents treating him to be a general category candidate



sanctioned loan and disbursed the amount of subsidy as admissible, no illegality can be found with the decision of the respondents. The petitioner cannot be allowed to raise a belated claim that he is entitled for 35% subsidy instead of 25% subsidy over the sanctioned amount as he belongs to the OBC category.

7. In view of the foregoing discussions, I see no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03-07-2017
Transmission Date	

