IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3847 of 2015

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Anal Kumar Chakraborty Son of Late Abhoy Chakraborty, Resident of 1231/E, Opp. A.N. College, Boring Road, P.S. Shree Krishnapuri, Town and DIstrict Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance, Government of India, New Delhi.
2. The Secretary, Ministry of Finance, Banking Division, New Delhi.
3. The Banking Ombudsman, Reserve Bank of India, South Gandhi Maidan, Patna
4. The Bank of Baroda having its Corporate Office at Baroda Corporate Center, Plot No. C-26, G- Block, Banda-Kurla Complex, Bandra (East), Mumbai-400051 through its Chairman
5. The General Manager, Bank of Baroda, Regional Office, 4th Floor, Anand Vihar Arcade, East Boring Canal Road, Patna
6. The Branch Manager, Bank of Baroda, S.K.Puri Branch, S.K. Puri, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18752 of 2014

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Prabhu Dayal Prasad S/o Late Radha Krishna Prasad, R/O Gandhi Chowk, Sitamarhi, P.O.+P.S.- Sitamarhi, Distt.- Sitamarhi

.... Petitioner/s

Versus

1. The Union of India, through Secretary, Ministry of Finance, Government of Bihar, New Delhi
2. Secretary, Ministry of Human Resources Development, Government of India, New Delhi
3. The State of Bihar
4. Chairman, Canara Bank, Banglore
5. General Manager, Canara Bank, Principal Grievane Redressal Cell, Banglore
6. Nodal Officer, Circle Office Canara Bank, Patna
7. Senior Manager, Canara Bank, Sitamarhi

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8452 of 2015

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1. Abhishek Kumar Gupta son of Shri Pramod kumar Gupta
2. Pramod kumar Gupta son of late Ganga Ram Both Resident of Mohalla: Chawar Takiya, P.O.+ P.s: Sasaram , District Rohtas.

.... Petitioner/s

Versus

1. The Union of India through Human Resources Department, New Delhi.
2. The General Manager, State Bank of India, Head Office, Mumbai.
3. The Regional Manager, State Bank of India, Head Office, Mumbai.
4. The Senior Manager, State Bank of India Main Branch, Sasaram, Rohtas.
5. The Branch Manager, State Bank of India, Main Branch, Rohtas.
6. Ministry of Finance, Department of Financial Services, Govt. of India, New Delhi.

.... Respondent/s

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Appearance :
(In CWJC No.3847 of 2015)
For the Petitioner/s : Mr. Alok Kumar Agrawal, Adv.
Mrs. Priya Gupta, Adv.
For the UOI : Mrs. Kanak Verma, CGC
For the Bank : Mr. Vivek Prasad, Adv.
For the Respondent/s : Mr. Sanjay Kumar(ASG)
(In CWJC No.18752 of 2014)
For the Petitioner/s : Mr. Vishal Saurabh, Adv.
For the Respondent/s : Mr. Uma Shankar, GP-4
(In CWJC No.8452 of 2015)
For the Petitioner/s : Mr. Rekha Prasad, Adv.
For the Respondent/s : Mr. S.D sanjay (ADDL. SOC. GEN.)
For the Bank : Mr. Namrata Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 23-06-2017

Heard learned counsel for the petitioners and counsel for the Bank in the all the cases.

In these cases, a common issue has been raised by the petitioners that they are economically weaker students, they have applied for educational loan, before 31 March, 2009 and they were paying the principal amount and interest accordingly. Some of the students have already liquidated the outstanding dues including interest. Now the claim of the students as they have paid the entire amount including interest and fall under the scheme of the Central Government which provides the students, who are economically weaker, the interest incurred in the principal amount, will be reimbursed by the Government of India. The claim of the student is that even though they have paid the interest amount, they cannot be deprived of the benefit arising from the scheme, that amount is required to be adjusted against the future payment or return of extra amount paid by them.

The Government of India has filed its counter affidavit, made the stand clear that those students who have applied for the educational loan under the technical education before 31st March, 2009, the benefit of reimbursement of interest will be available to them up to 31st December, 2013 and, thereafter, even the economically weaker students will have to pay the principal amount as well as interest amount.

In all the cases, there is no dispute that the petitioners have taken educational loan for technical study before 31st March, 2009 and they are the economically weaker students, they are covered under the scheme of the Central Government, merely because their parents or the petitioners have paid the interest along with principal does not mean that they will not be entitled for the benefit arising out of the scheme of the Central Government. If they are covered, they are covered for all purposes and if they have paid the amount of interest that should be adjusted in the future amount of loan and the interest portion up to 31st December, 2013 will be reimbursed by the Central Government.

In that view of the matter, all the Banks are directed to examine their respective cases afresh and take necessary action either by returning the extra payment made by the petitioners by way of interest or adjust the same in the future outstanding dues.

It goes without saying that the benefit arising from the Central Government Scheme and the liability will be borne by the Central Government with respect to interest which is earned on principal amount up to 31st December, 2013.

Let this order be complied by all the Banks within a period of three weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, all these writ petitions are disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2017
Transmission Date	NA