



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM:

WEB COPY THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.1277 of 2018

Jegadeesan

... Appellant/Writ Petitioner

Vs.

1.The Divisional Manager,
Canara Bank,
Circle Office,
Post Box No.243,
St. Mary's Complex,
East Veli Street,
Madurai.

2.The Chairman and Managing Director,
Canara Bank Head Office,
No.112, J.C.Road,
Bangalore,
Karnataka State.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 03.03.2017 made in W.P(MD)No.12023 of 2010, on the file of this Court.

Prayer in WP(MD). 12023/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records relating to the order passed by the 1st Respondent in MDUC MIPD PC 36/10 1304 2010 dated 04-08-2010 and quash the same and direct the Respondents to refund the sum of Rs.3,00,000/- collected illegally from the petitioner by extending the Agricultural Debt Waiver and Debt Relief Scheme 2008 to the petitioner.

For Appellant : Mr.G.Gomathi Sankar

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA,J.)

<https://hcservices.ecourts.gov.in/hcservices/> Challenging the order, dated 03.03.2017 passed in W.P(MD) No.12023 of 2010, the present Writ Appeal has been preferred.



2. The appellant/writ petitioner is the borrower from the first respondent-Bank and the borrowal was in the year 1996. The appellant/writ petitioner was seeking the benefit of Agricultural Debt Waiver and Debt Relief Scheme 2008, which was rejected by the first respondent-Bank on the ground that the said scheme envisages the benefits to the loans granted between 31.03.1997 and 31.03.2007.

3. Challenging the same, W.P(MD)No.12023 of 2010 was filed, wherein it was contended by the appellant/writ petitioner that one Meera Mohideen, who was also a borrower in the year 1996, was extended the benefit of the said Waiver Scheme by the first respondent-Bank. Therefore, he should also be given such benefit.

4. Before the learned Single Judge, it was submitted by the first respondent-Bank that the Waiver Scheme given to the said Meera Mohideen was on the mistake committed by the then Branch Manager, who had also involved in various other misconducts. In view of the mistake committed by the Manager, he was imposed with a punishment of compulsory retirement from service in the disciplinary proceedings taken by the first respondent-Bank.

5. The learned Single Judge dismissed the Writ Petition on the ground that the appellant/writ petitioner cannot claim equality on the mistake committed by one of the employees of the Bank.

6. Aggrieved over the same, the present Writ Appeal has been preferred.

7. Heard the learned counsel appearing for the appellant/writ petitioner and perused the materials available on record.

8. Now, the learned counsel appearing for the appellant/writ petitioner is seeking the extension of same benefit as given in the case of Meera Mohideen claiming equality under Article 14 of the Constitution of India.

9. As stated earlier, the appellant/writ petitioner had borrowed loan in the year 1996, the scheme is inapplicable to the appellant/writ petitioner and the extension of the benefits to the said Meera Mohideen itself was by mistake and the officer himself has suffered punishment. If an illegality has been committed to benefit someone, the others cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India to commit the same illegality or irregularity to extend the benefit to them. Equality before law under Article 14 of the Constitution of India is a positive concept and the same cannot be sought to be enforced in a negative manner. Unless the claim of waiver sought for by the appellant/writ petitioner is just and legal and that the same is denied to him, he cannot claim discrimination. Hence, his claim was rejected by the Bank and the learned Single Judge had also



rightly dismissed the claim made by the appellant/writ petitioner and the same does not warrant any interference.

10. Accordingly, the Writ Appeal is dismissed. No costs.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

+1 CC To MR.G.GOMATHISANKAR, Advocate SR. NO. 87860

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