

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.6450 pf 2015
Date of Decision:11.05.2018

Satish Bishnoi

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Tara Chand Dhandwal, Advocate,
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

Mr.RPS Ahluwalia, Advocate,
for respondent No.4.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the letter dated 29.11.2014 by which he was not found eligible for interest on subsidy.

The brief facts of the case are that the petitioner had applied for term loan (for study abroad) of an amount of ₹15 lac from the Oriental Bank of Commerce/respondent No.4 for the purpose of pursuing six months course for Private to Commercial Pilot training with IR Training Program from Aerofile Aviation Corporation, Passy City, Philippines on an estimated cost of ₹18.75 lac. The said loan was sanctioned after the petitioner executed various documents and mortgaged agricultural land measuring 21 kanal 16 marla. Since he did not repay the loan, respondent No.4/Bank filed OA

No.1741 of 2017 under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 before the Debt Recovery Tribunal-II Chandigarh for recovery of ₹10,51,085/- along with interest @ 13.25% per annum and 2% per annum penal interest from 5.6.2015 till the date of realization. The Tribunal issued the certificate of recovery of ₹10,51,085/- with simple interest @ 10% per annum on reducing balance with costs from 5.6.2012 till the date of its realization. The petitioner applied for the subsidy in terms of the Guidelines for Subsidy Scheme for Educational Loans. The guidelines, which are applicable, are reproduced as under: -

“Applicability of the Scheme:

- The Scheme will be adopted by all Scheduled Banks/RRBs.
- Scheme is applicable only for students from Economically Weaker Section and whose parental income is upto Rs.4.5 lakhs per annum.
- The student borrower should have availed education loan upto 31.03.2009 and should be outstanding as on 31.12.2013.
- These students pursuing studies in recognized Technical / Professional Courses in India.”

The petitioners was sponsored as a flying trainee candidate of Civil Aviation Haryana vide letter dated 1.12.2016 for Hisar Branch of Haryana Institute of Civil Aviation. He had deposited only ₹15,000/- as admission fee for training in any branch of Haryana Institute of Civil Aviation, namely, Hisar, Karnal and Pinjore but he did not approach the

Haryana Institute of Civil Aviation for flying training after taking the admission. His application for obtaining loan from any bank was not recommended by any authorized signatory of Haryana Institute of Civil Aviation. Moreover, all the three branches of Haryana Institution of Civil Aviation, namely, Hisar, Karnal and Pinjore have also issued the Non-Flying Certificate which means that the petitioner has not got any training from them. Admittedly, the petitioner has got the training from Philippines.

Learned counsel for the petitioner has tried to emphasize that the petitioner had got the admission at Falcon Aviation, Gurugram and therefore, it is claimed that he had got the training in India and is thus entitled for the subsidy of interest charged by the bank.

I have heard learned counsel for the parties and after perusal of the available record, am of the considered opinion that there is no merit in the present petition and the impugned order does not deserve to be set aside because the petitioner had not taken any kind of flying training in India much less at the centres, namely, Hisar, Karnal and Pinjore of the Haryana Institute of Civil Aviation regarding which Non-Flying Certificate has been issued by all the three branches. Moreover, the scheme itself prescribes that the professional course has to be done in India whereas the petitioner availed the loan from the bank for getting the training from Philippines. Merely the petitioner has been a student of Falcon Aviation, Gurugram would not be sufficient to hold that he had studied in India for the purpose of claiming the benefit of subsidy scheme.

Thus, I am of the considered opinion that there is hardly any merit in the present petition for the purpose of interference and the same is hereby dismissed though without any order as to costs.

11.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*