

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4113 of 2019

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Sumit Kumar Singh alias Sumit Singh Son of Sri Shambhu Sharan Singh,
Resident of Village- Khurthoul, P.S. Parsa Bazar, Distt. Patna.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary Education Department,
Govt. of Bihar, Patna.
2. Chief Manager, State Bank of India, Main Branch West Gandhi Maidan,
Patna.
3. Assistant General Manager, State Bank of India, Main Branch, State Bank of
India, West Gandhi Maidan, Patna.
4. Branch Manager State Bank of India, Secretariat, Branch Old Secretariat,
Third Secretarte, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.S.P. Singh, Advocate Mr.Mukesh Kumar Singh, Advocate
For the Bank (SBI)	:	Mrs.Namrata Mishra, Advocate MissArchana Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-04-2019 Heard learned counsel for the parties.

This writ application has been filed for a direction in the nature of a writ of Mandamus on the respondents to refrain from recovering the loan amount from the petitioner till the petitioner gets an employment.

Facts of the case would reveal that the petitioner has availed education loan of Rs. 2,50,800/- on 29.07.2013. He has completed his education and according to him after obtaining his degree in engineering, the petitioner is in search of a job. In the meantime, as it appears the account has become irregular



due to non payment and some recovery is now being made from the salary of the father of the petitioner. Annexure '3' to the writ application shows that the total outstanding as on 02.01.2019 was Rs. 3,73,069/- whereas the account has become irregular due to non payment of installment of Rs. 1,22,269/-

Learned counsel for the petitioner submits that the father of the petitioner is suffering from kidney problem and is under treatment, therefore, at this stage no recovery be made from the salary of the father of the petitioner.

On the other hand, learned counsel representing the Bank submits that the account has become irregular due to non payment of installments due and, therefore, recovery has been initiated from the salary of the father of the petitioner. It is submitted that nothing has been pointing out to this Court to show that the recovery will not take place unless and until the petitioner gets an employment.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that the petitioner is unable to show any of the terms and conditions either in the sanction order or in the loan document as a whole that the recovery of the loan amount shall take place only after the petitioner gets a job. No such stipulation has been brought to the



notice of this Court the petitioner is also unable to demonstrate any legal right for seeking a writ of Mandamus directing the respondent Bank from refraining itself in the matter of recovery of loan.

This writ application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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