

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.12 of 2018

-
-
1. The General Manager, State Bank of India, Head Office Mumbai.
 2. The Regional Manager, State Bank of India, Head Office Mumbai.
 3. The Senior Manager, State Bank of India, Main Branch, Sasaram, Rohtas.
 4. The Branch Manager, State Bank of India, Main Branch, Rohtas.

... .. Appellant/s

Versus

1. Abhishek Kumar Gupta, S/o Sh. Pramod Kumar Gupta
2. Pramod Kumar Gupta, son of late Ganga Ram, both resident of Mohalla Chawar Takiya, P.O. + Sasaram, District Rohtas.
3. Ministry Finance, Department of Financial Service, Govt. of India, New Delhi.
4. The Union of India through Human Resources Department, New Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Namrata Mishra, Advocate
For the State Bank of India	:	Mr.S.D. Sanjay, Senior Advocate
		Mrs. Priya Gupta, Advocate
		Mr. Mohit Agrawal, Advocate
For the Union of India	:	Mrs. Kanak Verma, C.G.C.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 06-02-2019 In the matter of educational loan to the weaker sections, the learned Single Judge issued directions under the impugned judgment dated 23rd of June, 2017.

A perusal of the judgment indicates that there were other writ petitions which were decided simultaneously including the case of Anal Kumar Chakraborty and others Versus Union of India and others in C.W.J.C. No. 3847 of 2015. The banking institutions in that case was the Bank of Baroda and L.P.A. No. 1288 of 2017 was filed challenging the very



same impugned judgment that was dismissed on 08th December, 2017 keeping in view the issues already having been settled by the Apex Court in S.L.P. (C) No. 22047 of 2017 vide a judgment dated 04.09.2017. The said judgment is extracted hereinunder:

“Heard learned counsel for the petitioner and perused the relevant material.

Permission to file additional documents is granted.

We find no merit in the present Special Leave Petition. The Special Leave Petition is accordingly dismissed.”

Against the judgment in L.P.A. No. 1288 of 2017, the Bank of Baroda went up to the Apex Court in Special Leave to Appeal (C) No. 2360 of 2018 that was dismissed on 02nd February, 2018. The order is extracted hereinunder:

“Heard the learned counsel for the petitioners and perused the relevant material.

We do not find any legal and valid ground for interference. The Special Leave Petition is dismissed.”

Apart from this, we find that in effect, it is the benefit arising out of the scheme of the Central Government that the disbursement has to be made and the nature of the directions issued by the learned Single Judge are for extending the benefit of the scheme floated by the Central Government with a liability of payment on the Central Government itself.

In this background, we do not find the appellant-Bank to be an aggrieved party as it is a matter between the



Central Government and the respondent-petitioner.
Consequently, for all the aforesaid reasons, we are not inclined
to either condone the delay or even entertain the appeal.

The delay condonation application as well as the
appeal are rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/Shukla

U			
---	--	--	--

