

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3023 of 2017

In
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, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India, Through Secretary Mr. Ashok Lavasa, Ministry Of Finance, Government Of India, N
2. Vinay Srivastava, Secretary, Ministry of Human Resources Development, Government of India, New Delh
3. The State of Bihar.
4. Rakesh Sharma, Chairman, Canara Bank, Bangalore.
5. K.V. Shaji, General Manager, Principal Grievance Redressal Cell, Bangalore.
6. M.H. Khan, Nodal Officer, Circle Officer Canara Bank, Patna.
7. S.N. Yadav, Senior Manager, Canara Bank, Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vishal Saurabh, Advocate.
For the U.O.I.	:	Mrs. Kanak Verma, CGC.
For the Canara Bank	:	Mr. Ratnesh Nandan Sinha, Advocate.
For the Respondent Nos.4 to 7:	:	Mr. Purusotam Prasad, Advocate.
For the Opposite Party/s :	:	Mr. Parijat Saurav, AC to AAG-13.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 31-08-2023

Heard Mr. Vishal Saurabh, learned counsel for the petitioner, Mrs. Kanak Verma, learned counsel for the respondent Union of India, Mr. Ratnesh Nandan Sinha, learned counsel for the respondent Canara Bank, Mr. Purusotam Prasad, learned counsel for the respondent nos.4 to 7 and Mr. Parijat Saurav, learned AC to AAG-13 for the State.

2. The petitioner by filing the present writ



application is seeking initiation of a contempt proceeding against the Official Respondents for deliberately violating the order dated 23.06.2017 passed in CWJC No.18752 of 2014.

3. It is vehemently submitted that the entitlement of the petitioner has not been provided in terms of the order of this Court, the relevant portion thereof is noted herein after:-

“ 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 I 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.”

4. Mr. Sinha, by referring to the show cause filed on behalf of the Opposite Party Nos.4 to 7 submitted that son of the petitioner has availed education loan for Rs.3,76,000/- out of which Rs.3,32,890/- has been disbursed. It is made clear that the aforesaid loan was repayable in 7 years for pursuing



four years B E Bio Technology Course. The duration of this course was from 01.07.2007 to 30.06.2011. He further drew the attention of this Court to the Circular No. 128 of 2014, issued in the matter of providing interest subsidy on Education Loan. He further submits that under the Scheme in order to provide reliefs to the students, who were sanctioned/disbursed education loan up to 31.03.2009 and their outstanding as on 31.12.2013 will be entitled for interest subsidy on Education Loan. However, if any student has claimed subsidy for any eligible course after 01.04.2009, then he is not eligible under this scheme. As the petitioner has availed subsidy under the existing scheme earlier hence is not entitled to get benefit on interest subsidy on the basis of second Circular. He further clarify that the letter dated 25.06.2014 issued by the Bank Authority to the writ petitioner, upon which the petitioner is harping upon, was mistakenly issued as the amount of interest mentioned therein was wrongly calculated on the basis of second Circular No.128/2014 dated 05.03.2014, which is not applicable in the present loan account.

5. At this juncture, learned counsel for the petitioner submits that it is the bank, itself, who has issued the letter showing the entitlement of the petitioner to the tune of



Rs.2,55,429/- and without there being any basis, it is resiling from their own statement as contained in Annexure-3.

6. In view of the submissions made on behalf of the parties and taking note of the materials brought on record as also the averments made in the show cause, discussed hereinabove, the present contempt petition stands disposed of.

7. It is needles to say that if the petitioner has any grievance with regard to the calculation made by the Bank, he has remedy to assail the same in an appropriate proceeding.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2023
Transmission Date	NA

