

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20543 of 2016

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Mahesh Kumar son of Bhola Sah, Resident of - Daniyalpur Main Road
Teghra Bazar, Nagar Panchayat Ward No. - 6, P.S. - Teghra, District -
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Director Industry, Khadi and Village Industries Commission, Bihar
Patna
4. The Assistant Director Industry, Khadi and Village Industries Commission,
Bihar, Patna.
5. The District Magistrate, Begusarai.
6. The District Development Commissioner, Begusarai.
7. The G.M., District Industry Centre, Begusarai.
8. The General Manager, Central Bank of India, Chandramauli Nariman Point,
Mumbai.
9. The Zonal Manager, Central Bank of India, Maurya Lok Complex, Patna.
10. The Regional Manager, Central Bank of India, Mauryalok Complex, Patna.
11. The Branch Manager, Central Bank of India, Teghra, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Sinha, Senior Advocate
		Mr. Ajit Kumar Sinha, Advocate
		Ms. Dilkash Khan, Advocate
		Ms. Minu Kumari, Advocate
		Mr. Kinkar Kumar, SC-9
For the State	:	Mr. Ashutosh Kumar Upadhyaya, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL JUDGMENT

Date : 12-11-2024

1. The Writ petition is filed for issuance of Writ/
orders or directions to the respondent authorities to
immediately release the loan amount in favour of the
petitioner under Prime Minister's Employment Generation



Programme (PMEGP) which was arbitrarily withheld by the respondent No. 11. Further, to fix the responsibility and accountability of the person who is responsible for creating hurdle in sanctioning the loan amount in favour of the petitioner.

2. The brief facts culled out of the petitioner is that the petitioner applied for a loan under Prime Minister's Employment Generation Programme (PMEGP) of KVIC in the prescribed format, along with all relevant documents before the District Industries Centre, Begusarai on 09.06.2015 for establishing a project of wormy compost. Thereafter, the shortlisted candidates were called for an interview on 28.07.2015 by the Task Force Committee, constituted for shortlisting and selecting the eligible candidates.

3. The General Manager, District Industries Centre, Begusarai after being satisfied forwarded the application of the petitioner to the Branch Manager, Central Bank of India, Teghra, Begusarai with his recommendations for necessary action to release the loan



amount, in favour of the petitioner. It is contended by the petitioner that on several occasions, the petitioner approached the 11th respondent to know about the developments of his loan application, but the 11th respondent did not give proper reply, thereafter, the petitioner made an application under RTI in the year 2010-11 where some applications, whose loan proposed under PMEGP were considered in the said case. The District Magistrate, Begusarai vide Letter No. 501 dated 10.06.2010 had revalidated the said loan application for the next financial year and gave directions to all the Branch Managers, for payment of loan amount. As the petitioner loan amount was not sanctioned, he was constrained to file the present Writ petition directing the authorities to release the loan amount.

4. The counter affidavit filed by respondent Nos. 5, to 7 disclose that the petitioner has applied for loan under Prime Minister's Employment Generation Programme (PMEGP) of KVIC before the District Industries Centre, Begusarai, on 09.06.2015 for Micro Industry. Further,



respondent No. 7 forwarded the application of the petitioner to the District Level Task Force Committee and the petitioner was directed to appear for an interview on 28.07.2015. Thereafter, the application of the petitioner was forwarded to the Central Bank of India, Teghra, Branch vide Letter No. 318 dated 14.08.2015.

5. The counter affidavit further disclose that the application of the petitioner was returned by the Central Bank of India, Teghra, Branch on 11.03.2016 vide Letter No. 190 stating that the petitioner does not have sufficient place for the said project. Further, it disclose that according to the guidelines laid down by the KVIC, if an application is rejected by the Bank on realistic ground, providing with reasons, the same can be discussed in the next District Task Force for final decision. But before the next District Task Force Committee Meeting, the process flow of PMEGP application was changed by the KVIC. The agency made online applications mandatory and no manual applications were allowed with effect from 01.04.2016 and, hence, the



cause of rejection of the petitioner's application was not put before the District Task Force Committee.

6. In view of the new guidelines made by the KVIC the application is mandatory and no manual applications were allowed and all prior applications were returned or rejected and were declared as null and void.

7. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

8. The record reveals that the application of the petitioner was returned by the Bank on 11.03.2016 itself. According to the guidelines laid down by KVIC, no Manual applications were allowed with effect from 01.04.2016. As of now, the application of the petitioner is not pending before the authorities so as to grant any relief to the petitioner.

9. Admittedly, the prayer of the Writ petitioner is to direct the respondents to release the loan amount in favour of the petitioner which was withheld by respondent No. 11. In the absence of any application pending before the respondent authorities, this Court cannot direct the



authorities to process the application to release the loan amount.

10. However, the petitioner is at liberty to avail his remedies by filing a fresh application, before the concerned authorities.

11. In result, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

Manishkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

