(2026) 08 PAT CK 2550

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.21748 of 2018

Amrendra Kumar Singh & Anr. APPELLANT

Vs

The State Of Bihar & Ors. RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:
Constitution of India — Articles 14 and 21

Citation : (2026) 08 PAT CK 2550

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : M/s Pramod Kumar Singh, Rahul Kumar Singh, Mr. Sajid Salim Khan-SC 25, M/s Dr. Anand Kumar, Vijeta Kumar, Ranjan Prakash, Pragya Kiran

Final Decision : Allowed

Judgement

Date : 03-08-2026

1. The petitioners have filed the Writ petition for the following reliefs:

> *"A) A Writ in the nature of a mandamus or any other appropriate Writ / Writs, order / orders, direction / directions commanding the respondents to strictly follow the rules as laid down in Memo No. 299 dated 20.02.2014 issued from the office of Respondent No. 2 and the same has been referred to in Annexure-1.*
>
> (B) *Any other relief/reliefs, to which the petitioner may be found to be legally entitled too."*

2. The brief facts culled out of the Writ petition is that the petitioners being agriculturists, availed financial assistance under the said beneficiary scheme, purchased the prescribed number of cows, and successfully carried on dairy farming. Their claims for subsidy were duly recommended by the competent authorities and forwarded by the respondent Bank, to the concerned authorities. Despite of repeated communications by the Bank and the representations submitted by the petitioners, the subsidy amount has not been released in their favour, whereas similarly situated farmers in the District of Bhabhua have been

granted the benefit under the same beneficiary scheme. The petitioners, therefore, contend that the action of the respondents is arbitrary, discriminatory, illegal, and violative of Articles 14 and 21 of the Constitution of India, warranting interference by this Court.

3. The Learned Counsel for the petitioners submits that the respondents are under a statutory and administrative obligation to implement Memo No. 299 dated 20.02.2014 in its true letter and spirit. It is submitted that the petitioners fulfilled all eligibility conditions prescribed under the scheme, obtained sanction from the competent authority, purchased the requisite number of milch cattle, and their cases for grant of subsidy were duly recommended and forwarded by the respondent Bank. Learned Counsel further submits that the respondent Bank itself informed the concerned authorities, that the subsidy amount payable to the petitioners had not been released and requested necessary action, but no effective steps were taken by the respondents.

4. The Learned Counsel for the petitioners contends that the impugned inaction of the respondents is arbitrary, discriminatory, unreasonable, and violative of Article 14 of the Constitution of India. It is lastly submitted that despite repeated representations, including the representation dated 30.08.2018, the grievance of the petitioners has remained unredressed, and prayed to allow the Writ Petition directing the respondents, for release of the admissible subsidy to the petitioners in accordance with Memo No. 299 dated 20.02.2014 along with all consequential benefits.

5. A counter affidavit was filed on behalf of the respondent No. 4/Bank. The Learned Counsel appearing for the Bank submits that the Bank has duly discharged its obligations under the scheme and there has been no lapse on its part. It is submitted that a loan of Rs. 4.50 lakhs was duly sanctioned in favour of each of the petitioners on 28.03.2014 and the sanctioned amount was disbursed from time to time for purchase of milch cattle. The petitioners purchased the cows from the loan amount and the animals were also duly insured.

6. The Learned Counsel for respondent Bank further submits that immediately upon receipt of the subsidy claims from the Branch Office, the respondent Bank forwarded the claims to its Regional Office and thereafter to the concerned authorities, including the District Dairy Development Officer, for release of the subsidy amount. It is contended that the Bank had informed the competent authorities that no subsidy amount was available with the Bank and the Bank had taken all necessary steps for processing and forwarding the subsidy claims. Out of four subsidy claims forwarded, subsidy in respect of two borrowers was received, whereas the subsidy relating to the petitioners is still pending with the concerned Government authorities, for which the Bank cannot be held responsible.

7. It is further submitted by the Learned counsel for the Bank that despite

availing the loan facility, the petitioners have failed to pay even a single instalment (EMI), resulting in their loan accounts becoming irregular, and notices have already been issued to them for recovery of the outstanding dues. Learned Counsel further submits that Respondent No. 4 has acted strictly in accordance with the applicable guidelines and has committed no illegality or omission and accordingly prayed that the Writ Petition, so far as it seeks any relief against Respondent No. 4, is devoid of merit and is liable to be dismissed.

8. A counter affidavit was also filed on behalf of the respondent State. The Learned counsel appearing for the State submitted that the Department had duly complied with the guidelines contained in Memo No. 299 dated 20.02.2014. It was contended that the petitioner's application was recommended and forwarded by the District Dairy Development Officer to the Nodal Bank, but the Bank failed to process the loan and subsidy claim within the prescribed period of 15 days. It was further submitted that the Bank delayed sanction of the loan, forwarding of the subsidy claim, and communication with the Department regarding the purchase of cattle, in violation of the prescribed procedure. According to the respondent State, the petitioner also failed to furnish the requisite documents, including insurance papers, purchase receipts and other documents contemplated under the guidelines. It was argued that there was no lapse on the part of the State authorities and that any delay was solely attributable to the concerned Bank. It was further submitted that the scheme stood closed with effect from 15.08.2015 and the unutilised funds were returned to the Government. On these grounds, it was contended that the Writ petition is devoid of merit and liable to be dismissed.

9. Having heard the Learned counsel for the parties and upon perusal of the materials available on record, this Court finds that it is not in dispute that the petitioners were selected under the concerned dairy development scheme, the loans were sanctioned in their favour, the loan amounts were disbursed, the required number of milch cattle were purchased, and the subsidy claims were recommended and forwarded by the competent authorities. The respondent Bank has itself admitted that the subsidy claims of the petitioners were duly forwarded to the concerned authorities and that the subsidy amount has not been received from the Government. At the same time, the State authorities have sought to attribute the delay to the Bank by alleging non-compliance with the procedure prescribed under the scheme.

10. From the pleadings of the parties, it is evident that each respondent has attempted to shift the responsibility upon the other. While the Bank contends that it had completed all formalities and forwarded the subsidy claims, the State alleges that the Bank failed to comply with the prescribed timeline and procedural requirements. Such inter se dispute between the authorities cannot be made a ground to deprive the petitioners of the benefit of the scheme, particularly when there is nothing on record to show that the petitioners were themselves responsible for the non-release of the subsidy amount.

11. This Court is of the considered opinion that once the petitioners had fulfilled the eligibility conditions under the scheme, availed the sanctioned loan, purchased the required cattle, and their subsidy claims had been duly recommended and forwarded by the competent authorities, they acquired a legitimate expectation that their claims would be considered and processed in accordance with the scheme. The petitioners cannot be made to suffer because of administrative lapses, procedural delays, or lack of coordination between the respondent Bank and the State authorities.

12. The plea of the State that the scheme was subsequently closed and the unutilised funds were returned to the Government cannot defeat the lawful claim of the petitioners, whose cases had already been processed during the currency of the scheme. Likewise, the contention of the Bank regarding default in repayment of the loan cannot be a ground to deny the subsidy, if otherwise admissible under the scheme. The issue relating to recovery of loan is independent of the petitioners' entitlement to subsidy.

13. In the opinion of this Court, the petitioners cannot be kept at a loss on account of the internal lapses, procedural deficiencies, or administrative inaction on the part of the respondent Bank and the State authorities.

14. Accordingly, the Writ petition is allowed. The respondents are directed to jointly examine the claim of the petitioners and ensure release of the admissible subsidy, if otherwise found payable under Memo No. 299 dated 20.02.2014, within a period of three months from the date of receipt/production of a copy of this order. If any further procedural formality is required, the same shall be completed by the concerned respondents without compelling the petitioners to suffer for the administrative lapses or inter-departmental correspondence between the authorities.

15. Interlocutory Application(s), if any, shall stand disposed of.