

(1991) 04 MP CK 0021
In the Madhya Pradesh High Court
Case No : M.P. No. 500 of 1990

Ashok Kumar

APPELLANT

Vs

District Industries Officer and Others

RESPONDENT

Date of Decision : 16-04-1991

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1992) 75 CompCas 669 : (1991) MPJR 1

Hon'ble Judges : V.S. Kokje, J; V.D. Gyani, J

Bench : Division Bench

Advocate : Shrivastava, for the Appellant; T.N. Singh, Zelavat, for the Respondent

Final Decision : Dismissed

Judgement

V.D. Gyani, J.

Shri Shrivastava, learned counsel for the petitioner.

Shri Zelavat, learned counsel for the respondent-bank, and Shri T. N. Singh, learned Deputy Advocate-General, for the State.

They are heard.

By this petition under Article 226 of the Constitution, the petitioner who is an unemployed person prays for a direction to the respondents for grant of loan under the self-employment scheme.

The petitioner's case for grant of loan was not recommended by the bank. Referring to annexure A/4, Shri Shrivastava, learned counsel appearing for the petitioner, invited our attention to an endorsement made thereon. This endorsement reads as follows :

"The applicant has approached us with a request that his loan report under survey has not been considered last year since he had no experience in brick

manufacturing while he was working as watch maker ; if he has experience in this line, his case may be considered on merits and that if you fully satisfy with other submit information to-be collected about his integrity, etc., as per bank's norms."

He has based his claim on his endorsement. AH that can be said on the basis of this endorsement is that it was recommended to the lead bank, the Bank of India, to consider the petitioner's case on merits and on being fully satisfied. The petitioner wanted to set up a brick manufacturing unit. The bank found that the petitioner was a watch-maker and repairer. He had no experience of brick manufacturing. The bank has exhausted the target fixed for the year. In these circumstances, the bank could not grant the loan.

This court cannot substitute its own discretion and judgment in the matter of grant of loan by invoking its extraordinary jurisdiction under Article 226 of the Constitution. It is for the authorities concerned and it is essentially their discretion in the matter. There is no violation of any statutory rules or principles of natural justice in not granting the loan to the petitioner. It is made available only on fulfilment of certain conditions and cannot be claimed as a matter of right.

For the foregoing reasons, this petition deserves to be dismissed. It is, accordingly, dismissed with no order as to costs.