



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2013

CORAM :

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

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W.P(MD).No.14216 of 2011 and MP (MD) No.1 of 2013

M.Narayanan

.. Petitioner

Vs.

The Manager
Indian Overseas Bank
Aavanathankottai
Aranthangi Taluk
Pudukottai District.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent Bank to sanction the balance education loan of Rs.42,000/- for the 1st year and Rs.78,000/- for the remaining each year for three years altogether comes around Rs.2,76,900/- (excluding already sanctioned amount of Rs.45,500/-) along with educational loan's insurance premium amount to the petitioner's son N.Padmanabhan's study of Electrical and Electronics Engineering course at P.T.R. Collge of Engineering and Technology at Madurai by considering the fees structure dated 16.8.2011 within the period stipulated by this Hon'ble Court.

For petitioner : Mr.R.Aravindraaj

For respondent : No appearance

ORDER

The petitioner has come forward with the present writ petition for issuance of writ of mandamus directing the respondent Bank to sanction the balance education loan of Rs.42,600/- for the 1st year and Rs.78,100/- for the remaining each year for three years altogether Rs.2,76,900/- along with educational loan's insurance premium amount to his son, as per the fee structure dated 16.8.2011. N.Padmanabhan studying in Electrical and Electronics Engineering course.

2. It is not in dispute that the petitioner's son by name N.Padmanabhan has been studying in third year Electrical and Electronics Engineering course at P.T.R College of Engineering and Technology at Madurai and the respondent-Bank sanctioned educational loan to the petitioner, but the respondent Bank sanctioned only Rs.42,600/- for the first year and did not sanction the balance loan for the remaining three years towards college and hostel charges, which compelled the petitioner to approach this Court by way of present writ petition.

3. The learned counsel for the petitioner has, in support of the relief sought for herein, relied on RBI Educational Loan Scheme and fee structure issued by the college enclosed at pages 1 and 12 of the typed



set filed along with the writ petition. According to the learned counsel for the petitioner, as per RBI Educational Loan Scheme, expenses considered for loan are (1) fee payable to college (2) examination, library, laboratory fee, (3) purchase of books, equipments, uniforms (4) caution deposit, refundable deposit (5) travel expenses, (6) purchase of computers-essential for completion of the course and (7) any other expenses required to complete the course-like study tours, project work, thesis etc. with maximum of Rs.7.50 lacs for studies in India.

4. As per the fee structure, enclosed in page No.12 of the typed set of papers, issued by the college, eligible expenses comes to Rs.88,100/- for the first year and Rs.78,100/- each for remaining three years. When the petitioner approached the second respondent-bank for the above mentioned amount, the second respondent-bank has sanctioned Rs.42,600/- and Rs.45,500/- for the I and II years respectively and failed to sanction the balance amount, though the amount mentioned in fee structure is covered under the educational expenses considered for loan. The omission on the part of the bank to sanction the amount, has compelled the petitioner to come forward with the present writ petition. The writ petitioner also, in the typed set of papers, enclosed the order made in W.P.No.9741 of 2011 and Judgment in W.A.No.23 of 2011, in and under which, directions are issued to the respondent for sanctioning educational loan subject to eligibility criteria of the students concerned. In both the cases, the bank is directed to sanction the entire amount in the light of fee structure obtained from the College Authority, which includes mess fee and hostel fee. Whereas, in the present case, the second respondent-bank, except sanctioning the part of the college fees for the first year, and Rs.45,500/- for the II year failed to sanction any loan for other expenses, which falls within the eligibility criteria.

5. The learned counsel for the petitioner also in the course of his arguments, drawn the attention of this Court to the fact that the petitioner is first graduate studying in college, as certified by Head quarters Tahsildar of the area concerned, enclosed in page No.9 of the typed set of papers.

6. As rightly argued by the learned counsel for the petitioner, considering the family and financial circumstances of the petitioner, unless and otherwise the petitioner is sanctioned loan for the entire expenses subject to eligibility criteria, the petitioner's son may not be able to continue and complete his studies and the same is likely to frustrate the purpose and object for which the educational loan scheme is introduced, which aims at providing financial support from bank to deserving students from India and abroad and to provide with an opportunity to the poor students to pursue the education and to ensure that no deserving students shall be denied an opportunity to pursue the studies. Whereas, the omission of the respondent-bank, is likely to deprive the petitioner's son of the opportunity of availing the educational loan assistance, thereby opportunity of pursuing higher education by the petitioner's son.



7. Considering the fact that the respondent-bank has not raised any valid ground against sanctioning the amount for the entire expenses to the petitioner's son, this Court is inclined to pass appropriate direction as sought for in this writ petition.

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8. In the result, the writ petition is allowed thereby directing the respondent-bank to sanction and disburse the loan amount of Rs.42,600/- (Rupees forty two thousand six hundred only) for the first year, Rs.32,600/- (Rupees thirty two thousand six hundred only) for the second year and Rs.78,100/- (Rupees seventy eight thousand one hundred only) each for the years three and four, in consonance to the fee structure issued by the educational institution, within a period of four weeks from the date of receipt of copy of this order. No costs. Connected MP (MD) No.1 of 2013 is closed.

Sd/-

Assistant Registrar(Per Admn.)

/TRUE COPY/

Sub Assistant Registrar

To

The Manager
Indian Overseas Bank
Aavanathankottai
Aranthangi Taluk
Pudukottai District.

+1cc to Mr.R.Aravindraaj, Advocate SR.No.63591

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and
MP (MD) No.1 of 2013
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vks

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