IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WA.No. 1871 of 2012 () IN WP(C).18366/2011

AGAINST THE JUDGMENT IN WP(C) 18366/2011 of HIGH COURT OF KERALA
DATED 05-09-2012

APPELLANT(S)/5TH RESPONDENT:

STATE BANK OF INDIA,
PERSONAL BANKING BUSINESS UNIT, LOCAL HEAD OFFICE
THAMPANOOR, THIRUVANANTHAPURAM-695001.

BY ADVS.SRI.GEORGE THOMAS (MEVADA)(SR.)
SRI.MANU GEORGE KURUVILLA

RESPONDENT(S)/PETITIONER/RESPONDENTS 1 O 4 AND 6:

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1. M/S.MUNNAR CATERING COLLEGE,
ESTABLISHMENT OF THACHANKARY FOUNDATION, II FLOOR
CHANDRIKA BUILDINGS, M.G.ROAD, ERNAKULAM
REPRESENTED BY ITS CHAIRMAN, TISSAN.J.THACHANKARY.

2. THE RESERVE BANK OF INDIA,
CENTRAL OFFICE, MUMBAI-400 001
REPRESENTED BY ITS CHAIRMAN.

3. INDIAN BANK'S ASSOCIATION,
WORLD TRADE CENTRE, 6TH FLOOR, CENTRE 1 BUILDING
WORLD TRADE CENTRE COMPLEX, CUFF PARADE
MUMBAI-400 005, REPRESENTED BY ITS CHAIRMAN.

4. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
7TH FLOOR, CHANDERLOK BUILDING, JANPATH
NEW DELHI-110 001.REPRESENTED BY ITS SECRETARY.

5. INDIRA GANDHI NATIONAL OPEN UNIVERSITY,
REGIONAL CENTRE, KALOOR.P.O, COCHIN-682017
REPRESENTED BY ITS REGIONAL DIRECTOR.

6. STATE BANK OF TRAVANCORE,
HEAD OFFICE, POOJAPPURA
THIRUVANANTHPURAM.REPRESENTED BY ITS GENERAL MANAGER.

ADDL.7 THE UNIVERSITY GRANTS COMMISSION,
REPRESENTED BY ITS SECRETARY,
NEW DELHI 110001.

(ADDL.R7 IS SUO MOTU IMPLEADED AS PER ORDER DATED 30.12.12)

R1 BY ADV. SRI.A.A.ZIYAD RAHMAN
R1 BY ADV. SRI.LAL K.JOSEPH
R1 BY ADV. SMT.M.C.SANITHA
R1 BY ADV. SRI.V.S.SHIRAZ BAVA
R5 BY ADV. SRI.P.M.M.NAJEEB KHAN, SC IGNOU
R3 BY ADV. SRI.P.V.SURENDRANATH
R3 BY ADV. SMT.BINDUMOL JOSEPH
R3 BY ADV. SRI.B.S.SYAMANTHAK
R6 BY ADV.SRI.GEORGE THOMAS MEVADA
R7 BY ADV. SRI.S.KRISHNAMOORTHY, CGC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.No.1871 of 2012

Dated this the 19th day of January, 2015

JUDGMENT

Antony Dominic, J.

1.This writ appeal is filed against the judgment in W.P (C).No.18366/11. That writ petition was filed by the first respondent herein, with the following prayers:

> "(i) Declare that the courses offered in petitioner institution as Joint Venture with the 4th respondent, are eligible for educational loans as per the schemes formulated by the 1st respondent, from time to time.
>
> (ii) Declare that the banks and other financial institutions are not entitled to refuse to disburse educational loans to students, who want to undergo courses which do not require approval/recognition of AICTE, on the ground that the courses are not approved/recognized by AICTE.
>
> (iii) Issue a writ of mandamus or any other writ or direction to the 1st respondent to issue necessary directions to the banks and other financial institutions, not to reject the applications for sanctioning of the educational loans, solely for want of AICTE approval/recognition for the courses,

(iv) Issue a writ of mandamus or any other writ or direction to the 2nd respondent to issue necessary directions its members, to ensure that the applications for the sanctioning of the educational loans, are not rejected solely for want of AICTE approval/recognition for the courses.

(v) Issue a writ of mandamus, any other writ or direction to the respondents 5 and 6 to ensure that the applications for the sanctioning of the educational loans, are not rejected solely for want of AICTE approval/recognition for the courses."

2.Learned single Judge, by judgment dated 5.9.2012, disposed of the writ petition directing thus:

"The applications of the students of the petitioner College in various courses for educational loans can be accepted by the Banks concerned, as all the courses do not require approval or recognition by AICTE and the applications cannot be rejected solely for want of AICTE approval/recognition. Such applications will be considered on the merits. No costs."

In this appeal, this Court, by order dated 30.10.2012, stayed the operation of the judgment.

3.The writ petition was filed at a time when the first respondent was conducting courses on the strength of Ext.P1 agreement between themselves and the Indira Gandhi National Open University (IGNOU). It is now reported by the counsel appearing for the first respondent, which submission is confirmed by the learned counsel for IGNOU, that Ext.P1 agreement is terminated and the courses are now being conducted on a totally different arrangement. This, therefore, means that as of now, the appellant is not going to be visited with any liability to grant loans on the strength of the judgment under appeal. In that view of the matter, we do not think that at this distance of time, it is necessary to adjudicate on the rival contentions.

In the light of the above facts now disclosed, this appeal is disposed of without going into the merits of the contentions raised.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

kkb.

/TRUE COPY/

PS TO JUDGE