

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WA.No. 1477 of 2014 () IN WP(C).20923/2014

AGAINST THE JUDGMENT IN WP(C) 20923/2014 DATED 01-09-2014

APPELLANT(S)/RESPONDENTS :-

1. STATE BANK OF TRAVANCORE
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE
THIRUVANANTHAPURAM.
2. THE CHIEF MANAGER
STATE BANK OF TRAVANCORE, NEDUMANGAD BRANCH
THIRUVANANTHAPURAM.

BY ADVS.SRI.K.K.CHANDRAN PILLAI (SR.)
SRI.ARUN ANTONY
SMT.S.AMBILY
SMT.K.V.SHENU

RESPONDENT(S)/PETITIONER :-

ANJANA V.KARUN
RESIDING AT "SREELAKOM", NEAR AMMAN KOVIL
NEDUMANGAD P.O, THIRUVANANTHAPURAM - 695 541.

BY ADV. SRI.JOHNSON GOMEZ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 23-11-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

APPELLANTS' EXHIBITS :-

ANNEXURE -1 :- COPY OF CIRCULAR No.18/01 DATED 27.6.2001 ISSUED BY THE STATE BANK OF TRAVANCORE.

ANNEXURE -2 :- COPY OF CIRCULAR No.P&SB:CIRCULAR No.62/04 DATED 18.12.2004 ISSUED BY THE STATE BANK OF TRAVANCORE.

ANNEXURE -2(a) :- COPY OF CIRCULAR No.PSB/23/08 DATED 3.6.2008 ISSUED BY THE STATE BANK OF TRAVANCORE.

ANNEXURE -3 :- COPY OF CIRCULAR No.CE/159 DATED 30.8.2011 ISSUED BY THE INDIAN BANK'S ASSOCIATION.

ANNEXURE -4 :- COPY OF LETTER DATED 7.1.2014 SENT BY THE CHIEF MANAGER, OF THE STATE BANK OF TRAVANCORE TO THE ASST. GENERAL MANAGER, ZONAL OFFICE, THIRUVANANTHAPURAM.

ANNEXURE -5 :- COPY OF APPLICATION GIVEN BY THE PETITIONER.

RESPONDENT'S EXHIBITS :-

ANNEXURE R3 :- TRUE COPY OF THE CIRCULAR ON INTERIM PROVISIONS FOR QUALITY CONTROL STANDARDS ON UNDERGRADUATE MEDICAL EDUCATION IN ENGLISH FOR THE INTERNATIONAL STUDENTS IN CHINA ISSUED BY THE MINISTRY OF EDUCATION OF THE PEOPLE'S REPUBLIC OF CHINA.

ANNEXURE R4 :- TRUE COPY OF THE VARIOUS COURSES OFFERED BY THE WUHAN UNIVERSITY.

ANNEXURE R5 :- TRUE COPY OF THE CERTIFICATE DATED 24TH DECEMBER 2014 ISSUED BY THE DIRECTOR, COLLEGE OF FOREIGN STUDENTS, WUHAN UNIVERSITY.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1477 of 2014

Dated this the 23rd day of November 2015

J U D G M E N T

Shaffique, J.

This writ appeal is filed by the respondent Bank in the writ petition challenging the judgment dated 1.9.2014, by which, the learned Single Judge allowed the writ petition setting aside Ext.P3 and a direction was issued to the respondent Bank to sanction loan to the petitioner within a period of ten days from the date of receipt of a copy of the said judgment.

2. The short facts involved in the writ petition would show that the respondent herein (hereinafter referred to as the petitioner) applied for an education loan. She claimed to be a student of Wuhan Universities School of Medicine, Hubei Province, China. Her application for education loan was rejected in terms of Ext.P3 by the appellant Bank stating that as per the loan scheme of the bank, it stipulates a minimum 60% marks both in the qualifying examination and qualifying subjects individually. The petitioner challenged Ext.P3 by contending that for securing admission to professional courses in Foreign Universities/

Institutions, minimum qualifying mark is not necessary. According to the petitioner, she was admitted under the merit quota and there is no qualifying examination like Entrance for admission in a Foreign University. The learned Single Judge accepted the said contention of the petitioner and set aside Ext.P3 and issued the directions as stated above.

3. While impugning the aforesaid judgment, it is contended by the learned counsel for the appellant Bank that the norms for granting education loan to students, who are getting admission under the merit quota and management quota are separate and both are to be considered separately. As far as the petitioner is concerned, she got admission in a Foreign University, which has to be treated as management quota and even according to the petitioner, the admission was not obtained on merit basis.

4. We had occasion to consider similar issues in a batch of writ petitions, which were decided as per judgment in **Arya v. Reserve Bank of India** [2015 (4) KLT 478], wherein distinction had been made between admission in private colleges under merit quota as well as management quota. The facts available on record in the present case clearly indicates that the petitioner's admission was in China and therefore, it has to be treated as admission

-: 3 :-

under management quota, whereby, the petitioner will have to comply with the directions issued by the Bank as approved by the Reserve Bank of India.

5. Under such circumstances, we are of the view that the learned Single Judge was not justified in setting aside Ext.P3, since the Bank was fully empowered to insist for minimum qualifying marks of the petitioner for granting education loan. Since there being no merit in the contentions urged on behalf of the petitioner, the appeal ought to have been allowed.

Accordingly, we allow the writ appeal, setting aside the judgment of the learned Single Judge and the writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE