IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WA.No. 2325 of 2015 () IN WP(C).26953/2015
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AGAINST THE ORDER/JUDGMENT IN WP(C) 26953/2015 of HIGH COURT OF KERALA DATED 23-09-2015

APPELLANT(S)/RESPONDENTS:
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1. **THE CHAIRMAN AND MANAGING DIRECTOR, CANARA BANK, 112, JC ROAD, BANGALORE - 560 002.**

2. **THE MANAGER, CANARA BANK, KOTTAPURATH AREADE, GROUND FLOOR, CHURCH ROAD, NORTH KALAMASSERY - 683 104.**

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS

RESPONDENT(S)/PETITIONER:

AJMAL MOHAMMED,
S/O.SHARMALA P.R., AL AJ MANZIL, K.D.P. P.O.
SOUTH KALAMASSERY.

R1 BY ADV. SRI.S.GANESH
R1 BY ADV. SRI.P.S.SIDHAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DG

WA.No. 2325 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-A:	COPY OF THE 'MODEL EDUCATION LOAN SCHEME FOR PURUSING HIGHER EDUCATION IN INDIA AND ABROAD PUBLISHED BY IBA IN AUGUST 2015.
ANNEXURE-B:	COPY OF THE EDUCATIONAL LOAN SCHEME IS GOVERNED BY CANARA BANK'S CIRCULAR NO.47/2012 DATED 14.2.2012.
ANNEXURE-C:	COPY OF THE CERTIFICATE OF APPROVAL OF THE COURSE, PROVIDED TO THE APPELLANTS ALONG WITH THE LOAN APPLICATION BY THE RESPONDENT/PETITIONER.

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

W.A.No.2325 of 2015

Dated this the 27th day of October, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. We have heard the learned counsel for the appellant, which is a nationalized bank.

2. The respondent applied for an education loan. That was rejected for the reason that the application was jointly made by him along with his mother Mrs.Sharmila.P.R and as it is evident from Exhibit P4 that Sharmila had certain debts and outstanding loans, no other reason is attributed through Exhibit P4 to reject the application for education loan. Adverting to Exhibit P5 and also Annexures A and B produced along with the writ appeal by the Canara Bank itself, it can be seen that the co-applicant's eligibility and financial stability or otherwise is not an issue to be considered while deciding on an application for education loan, the limit of which is ₹4,00,000/-.

The respondent herein had applied for an education loan of ₹4,00,000/-. Obviously, the scheme does not provide that the bank could insist on a co-obligant or a co-applicant or to have the loan supported through collateral security. As already seen, the only reason for rejection of the loan application is attributed to the financial status of the mother, having regard to her loan accounts. That is a total extraneous reason and the rejection of the loan application was, therefore, arbitrary. The learned single Judge was, therefore, justified in taking the view that merely because certain negative records are shown to the mother's account, that cannot be a reason to deny education loan to the respondent/writ petitioner. Therefore, we find no infirmity either in law or on facts in the decision of the learned single Judge. This appeal, therefore, fails.

In the result, this writ appeal is dismissed in limine.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG