

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936**

**WP(C).No. 2198 of 2015 (Y)**  
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**PETITIONER(S):**  
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1. **RAJENDRAN.P,  
R.S.BHAVAN, THAZHAM MIDDLE, CHATHANNUR P.O.,  
KOLLAM-691 572.**
2. **SHINE RAJ.R.,  
S/O.RAJENDRAN, R.S.BHAVAN, THAZHAM MIDDLE,  
CHATHANNUR P.O., KOLLAM-691 572**

**BY ADVS.SRI.G.BHAGAVAT SINGH  
SMT.P.P.JAYANTHY**

**RESPONDENT(S):**  
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1. **THE BRANCH MANGER,  
KERALA GRAMEEN BANK, CHATHANNOOR BRANCH,  
CHATHANNOOR BRANCH, KOLLAM-691 572.**
2. **KERALA GRAMEEN BANK,  
REPRESENTED BY ITS REGIONAL MANAGER,  
KERALA GRAMEEN BANK, REGIONAL OFFICE, PANAVILA,  
THAMPANNOOR, THIRUVANANTHAPURAM-695 001.**

**BY ADVS. SRI.DEVAN RAMACHANDRAN  
SRI.K.M.ANEESH  
SRI.K.SANTHOSH KUMAR (KALIYANAM)  
SRI.ADARSH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS  
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- EXT.P1. COPY OF THE CERTIFICATE ISSUED BY THE TAHSILDAR DATED 8/6/2012.
- EXT.P2. TRUE COPY OF THE SSLC OF THE 2ND PETITIONER
- EXT.P3. TRUE COPY OF THE PLUS TWO CERTIFICATE OF THE 2ND PETITIONER
- EXT.P4. TRUE COPY OF THE RECEIPT ISSUED BY THE KTG COLLEGE OF PHYSIOTHERAPY DATED 30/6/2014.
- EXT.P5. TRUE COPY OF THE ISSUED BY THE KTG COLLGE OF PHYSIOTHERAPY DATED 30/6/2014.
- EXT.P6. TRUE COPY OF THE ELIGIBILITY CERTIFICATE KTG COLLEGE OF PHYSIOTHERAPY DATED 30/6/2014.
- EXT.P7. TRUE COPY OF THE CERTIFICATE SHOWING THE FEE STRUCTURE DATED 30/6/2014 ISSUED BY THE KTG COELLGE OF PHYSIOTHERAPY
- EXT.P8. COPY OF RESIDENTIAL CERTIFICATE DATED 2/7/2014 ISSUED BY THE CHATHANNUR GRAMA PANCHAYATH.
- EXT.P9. COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER OF THE MENAND VILLAGE DATED 21/4/2014.

RESPONDENT(S)' EXHIBITS & ANNEXURES:  
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- ANNEX R1(A). COPY OF THE RELEVANT PAGES OF THE CIRCULAR BEARING NOS.32/2013 DATED 19/11/2013 OF THE RESPONDENT BANK.

/TRUE COPY/

P.A.TO.JUDGE

**P.R. RAMACHANDRA MENON, J.**

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W.P.(C). No. 2198 of 2015

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Dated this the 25<sup>th</sup> day of February, 2015

**JUDGMENT**

The first petitioner is the father of the 2<sup>nd</sup> petitioner. The latter on completion of the SSLC in March, 2012 and Plus Two (Science Stream) in March, 2014 appeared for entrance examination and got selection in the merit quota for the course of BPT. The test was conducted on 30.6.2014 in KTG College of Physiotherapy. A sum of ₹10,000/- was paid as admission fee and the 2<sup>nd</sup> petitioner got selected in the merit quota. Ext.P7 is the fee structure payable to the institution, which in fact is affiliated to Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore and Indian Association of Physiotherapy.

2. The petitioners belong to Scheduled Caste as evident from Ext.P1 Certificate. Ext.P2 is the Secondary School Leaving Certificate while Ext.P3 is the Plus Two Certificate. Ext.P4 is the receipt regarding satisfaction of 10,000/- issued by the KTG College. Ext.P5 is the admission letter dated 30.6.2014, which clearly certifies that the 2<sup>nd</sup> petitioner has been selected through

an entrance examination conducted by the College under the 'merit quota' and that the institution is recognized by the Government of Karnataka, affiliated to Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore and Indian Association of Physiotherapy.

3. The eligibility of the 2<sup>nd</sup> petitioner has been certified by the institution as per Ext.P6 dated 30.6.2014, also disclosing the rank. So as to enable the 2<sup>nd</sup> petitioner to pursue the studies, an application for educational loan was submitted before the respondent Bank. The application has not been considered positively so far and the petitioners have been made to run from pillar to post, which made the petitioners to approach this Court by filing the writ petition.

4. When the matter came up for consideration before this Court on 30.1.2015, it was submitted from the part of the Bank that, as per the guidelines issued by the Bank, the 2<sup>nd</sup> petitioner is not qualified, for having obtained only 52% of marks in Plus Two , whereas the stipulated minimum is 55%. Pursuant to the direction of this Court, a statement has been filed on behalf of the respondents 1 and 2, also producing a copy of the relevant

pages of the guidelines/circular as Annexure R1(a).

5. Heard both the sides.

6. After going through the materials on record, it is seen that the credentials of the 2<sup>nd</sup> petitioner as to having taken part in the admission test conducted by the Educational Institution securing admission under the 'merit quota' stands certified by the institution, as borne by Ext.P5. The fact that the said institution is affiliated to Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore and Indian Association of Physiotherapy, cannot be disputed. The learned counsel for the petitioners also places reliance on the very same circular produced by the respondent Bank, wherein it has been stipulated in the last part of Clause 2.1 that, if the admission is through merit-based selection process as certified by the institution/college, the student is eligible for subsidy, subject to other eligibility norms. Reliance is also sought to be placed on a decision rendered by a Division Bench of this Court in **The Manager, Andhra Bank v. Reshma Syam S.**(2014 (4) KLT 855), which stands virtually in favour of the petitioner. The operative portion of the said judgment reads as follows:

"We thus are of the clear opinion that the petitioner was fully eligible for the loan and the Bank has erroneously rejected her application. We uphold the decision of the learned Single Judge for the reasons stated above. The Writ Appeal is dismissed. The learned Single Judge has already directed to disburse the loan amount within four weeks. We confirm the said direction and the Bank shall disburse the loan amount within four weeks from the date of receipt of a copy of this judgment."

7. After hearing both the sides, this Court finds that the petitioners are entitled to succeed. In the said circumstance, there will be a direction to the respondent Bank to process the application preferred by the petitioners and grant the loan as sought for, so as to enable the 2<sup>nd</sup> petitioner to pursue the studies in the above mentioned institution. The proceedings as above shall be finalized at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps. The writ petition is disposed of.

Sd/-  
**P.R. RAMACHANDRA MENON,**  
**JUDGE.**

kp/-