

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 2652 of 2014 (F)

PETITIONER(S):

PRIYESH P., S/O.PREMLAL. P, AGED 19 YEARS,
ASARIPARAMBU, NEERKUNNAM,
VANDANAM P.O., ALAPPUZHA, PIN- 688 005.

BY ADVS.SRI.T.K.SASINDRAN,
SRI.T.S.SHYAM PRASANTH,
SRI.GOKUL DAS V.V.H.

RESPONDENT(S):

1. THE BRANCH MANAGER,
THE FEDERAL BANK LTD.,
VANDANAM BRANCH, ALAPPUZHA-688 005.
2. THE FEDERAL BANK LTD.,
PB NO. 303, FEDERAL TOWERS, M.G. ROAD,
STATUE, THIRUVANANTHAPURAM, PIN -695 001,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER.
3. INDIAN BANKS ASSOCIATION,
WORLD TRADE CENTRE, 6TH FLOOR,
CENTRE 1 BUILDING, WORLD TRADE CENTRE COMPLEX,
CUFF PARADE, MUMBAI, PIN -400 005.

* ADDL. R4 IMPEADED

4. THE RESERVE BANK OF INDIA,
REPRESENTED THROUGH ITS PRINCIPAL CHIEF GENERAL MANAGER,
DEPARTMENT OF BANKING OPERATIONS AND DEVELOPMENT,
CENTRAL OFFICE, SHAHID BHAGAT SINGH ROAD,
MUMBAI, MAHARASHTRA-400 001.

* IS IMPEADED AS PER ORDER DATED 31/07/2014 IN IA. NO.10300/2014.

R3 BY ADVS. SRI.A.ANTONY,
SMT.LEELAMMA ANTONY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1** COPY OF THE CERTIFICATE OF APPROVAL OF THE COLLEGE ISSUED BY THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION DATED 19/03/2013.
- EXHIBIT P2** COPY OF THE CERTIFICATE SHOWING FEE STRUCTURE ISSUED BY THE COLLEGE ON 04/07/2013.
- EXHIBIT P3** COPY OF THE RELEVANT EXTRACT OF THE GUIDELINES FOR MODEL EDUCATION LOAN SCHEME ISSUED BY THE INDIAN BANKS ASSOCIATION.
- EXHIBIT P4** COPY OF THE LETTER DATED 28/10/2013 ISSUED BY THE 1ST RESPONDENT REJECTING THE PETITIONER'S APPLICATION FOR EDUCATION LOAN.
- EXHIBIT P5** COPY OF THE JUDGMENT DATED 21/10/2014 IN W.A. NO.715/2014 BEFORE THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS:-

- EXT.R1A** COPY OF THE CIRCULAR NO.3481/CRMC/IRMDC 53/2013-14 DATED 21/08/2013 OF THE HEAD OFFICE THE FEDERAL BANK LTD., ALUVA.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.2652 of 2014

Dated this the 9th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i. To issue a writ, order or direction in the nature of certiorari and quash Ext.P4 as illegal and arbitrary.*
- ii. To issue a writ, order or direction in the nature of mandamus directing respondents 1 and 2 to sanction the educational loan payable to the petitioner forthwith.*
- iii. To issue a declaration that since the petitioner has secured admission under the merit quota through the common entrance test, the respondent bank cannot stipulate a condition for sanctioning loan on the basis of marks secured in the qualifying exam.*
- iv. To issue a declaration that the stipulation to obtain 65% aggregate in the qualifying academic examination as in case of the petitioner who secured admission through Merit Quota is absolutely illegal and a transgression over the fundamental rights of the petitioner guaranteed under the Constitution of India.*

2. The grievance of the petitioner is mainly with regard to the stand taken by the respondent Bank in not granting the

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educational loan to the petitioner raising untenable conditions. The first respondent has filed a counter affidavit explaining the facts and circumstances. In the course of the proceedings, the petitioner has filed I.A.No.16565 of 2014 producing copy of the judgment dated 21.10.2014 passed by a Division Bench of this Court in W.A.No.715 of 2014, as to the merit involved under similar circumstances and eligibility of the person concerned to obtain educational loan.

3. The learned counsel for the Bank submits that by virtue of Ext.P5 judgment passed by the Division Bench of this Court, the Bank has reconsidered the entire issue of similar nature and it is stated that the Bank is ready to consider the case of the petitioner as well in the light of Ext.P5.

4. In the above circumstances, this writ petition is disposed of, directing the first respondent Bank to reconsider the application preferred by the petitioner for granting educational loan in the light of Ext.P5 and pass appropriate orders, at the earliest, at any rate within a period of one month from the date of receipt of a copy of this judgment.

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The writ petition is disposed of.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition, complete in all aspects, before the first respondent, for further steps.

Sd/-

**P.R.RAMACHANDRA MENON,
JUDGE.**

rkc.