

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 4429 of 2015 (C)

PETITIONER:

**EMMANUEL JOSEPH, AGED 62 YEARS,
SON OF JOSEPH, RESIDING AT BOM GESU BHAVAN,
MAYYANADU P.O., KOLLAM-691 303, FROM CREMLIN,
PALACE ROAD, THANGASSERY, KOLLAM-691 007,
FROM VINCE DALE, THANGASSERY, KOLLAM -691 007,
FROM MERRY LAND, IJHS ROAD, THANGASSERY P.O.,
KOLLAM -691 007.**

**BY ADVS.SRI.JOHNSON GOMEZ,
SRI.S.BIJU (KIZHAKKANELA).**

RESPONDENTS:

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE, JEEVAN DEEP BUILDING,
PARLIAMENT STREET, NEW DELHI-110 001.**
- 2. THE ASSISTANT GENERAL MANAGER,
STATE BANK OF INDIA, RASMECCC, 1ST FLOOR,
SBI KOLLAM BRANCH PREMISES, NR. RAILWAY STATION,
KOLLAM, PIN-691 001.**
- 3. THE BRANCH MANAGER,
STATE BANK OF INDIA, THANGASSERY BRANCH,
KOLLAM, PIN-691 007.**

**R1 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
R2 & R3 BY SRI.K.K.CHANDRAN PILLAI, SECNIOR SC,
ADV. SMT.S.AMBILY.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A TRUE COPY OF EDUCATIONAL LOAN CERTIFICATE ISSUED BY THE 3RD RESPONDENT.**
- P2:- TRUE COPY OF THE GUIDELINES FOR PROVIDING RELIEF ON INTEREST OUTSTANDING COMPONENT AS ON 31/12/2013 FOR ALL EDUCATIONAL LOANS SANCTIONED/AVAILED UP TO 31/03/2009 AND OUTSTANDING AS ON 31/12/2013.**
- P3:- A TRUE COPY OF THE LETTER NO. RASMECCC/KLM/ETL/83/5 DATED 21ST APRIL 2014 ISSUED BY THE 2ND RESPONDENT.**
- P4:- A TRUE COPY OF THE AFFIDAVIT DATED 07/05/2014 SUBMITTED BY THE PETITIONER AND HIS SON.**
- P5:- A TRUE COPY OF THE LETTER NO. RASMECCC/DGM DATED 15TH SEPTEMBER 2014 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4429 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"a. To issue a writ of Certiorari or any other appropriate writ order of directions calling for the records leading to Exhibit P5 issued by the second respondent and to quash the same.

b. To declare that the educational loan sanctioned to the Petitioner's son against Account No.30102210975 maintained by the third respondent is eligible for interest subsidy as provided under Exhibit P2 issued by the first respondent.

c. To issue a writ of mandamus or any other appropriate writ order or direction compelling and commanding the second and third respondents to extend the benefit of interest subsidy to Account No. 30102210975 maintained by the third respondent, expeditiously and without any further delay.

d. Issue such other Writ, Order or Direction that this Honourable Court may deem fit and proper in the nature and circumstances of the case."

2. The learned counsel appearing for the respondent Bank points out that, the idea and understanding of the petitioner, to have the interest subsidy, in connection with the education loan, is squarely wrong and misconceived. Reference is made to Clause

8 of Exhibit P2, which reads as follows:

"8. OTHER TERMS AND CONDITIONS:

*The interest subsidy under the scheme shall be available to the eligible students only once, either for the first under-graduate degree or the post graduate degrees/diplomas in India and for integrated courses (graduate + post graduate) courses, provided no subsidy has been claimed under the existing CSIS after 01.04.2009. **If any student borrower has claimed subsidy for pursuing any course after 01.04.2009 then he is not eligible under this scheme.** Interest Subsidy under this Scheme shall not be available for those students who had discontinued the course midstream, or who were expelled from the Institutions on disciplinary or academic grounds. However, the interest subsidy will be available only if the discontinuation was due to medical grounds for which necessary documentation to the satisfaction of the Head of educational institution will have to be given."*

3. The learned counsel for the Bank points out that, as contemplated under the relevant norms, the petitioner had to submit an affidavit, which in fact is submitted and a copy of which has been produced by the petitioner himself as Ext.P4. In the opening line itself, it has been stated that, the petitioner has received a sum of Rs.7,284/- (Rupees Seven thousand two hundred and eighty four only) as interest subsidy during final year of his B.Tech course (during the 7th and 8th semester) under the Central Government scheme. This being the position, the

petitioner is not eligible to have any further subsidy by virtue of the mandate under Clause 8 of Ext.P2, submits the learned counsel.

4. After hearing both the sides, this Court finds that there is absolutely no merit or bonafides in the writ petition and the same stands dismissed accordingly.

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

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