

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 6861 of 2015 (G)

PETITIONER :

**ABIN T.V.,
S/O.VIJAYAN T.V., AGED 19 YEARS
THEKKEDATHU HOUSE, MODAPOIKA P.O.
NARIVALAMUNDA, EDAKKARA VIA., NILAMBOOR
MALAPPURAM DISTRICT.**

BY ADV. SRI.JOHN JOSEPH (ROY)

RESPONDENT(S) :

- 1. UNION OF INDIA
REPRESENTD BY THE SECRETARY, MINISTRY OF FINANCE
DEPARTMENT OF ECONOMIC AFFAIRS (BANKING DIVISION)
NORTH BLOCK, NEW DELHI - 110 001.**
- 2. RESERVE BANK OF INDIA
REPRESENTED BY MANAGER, REGIONAL OFFICE, KALOOR
ERNAKULAM, KOCHI - 682 018.**
- 3. THE STATE BANK OF INDIA
MANIMOOLI BRANCH, VIA. EDAKKARA, MALAPPURAM DISTRICT
PIN - 683 546, REPRESENTED BY ITS SENIOR MANAGER.**

**R1 BY ADV. SRI.N.NAGARESH, ASGI
R3 BY SENIOR ADVOCATE SRI.K.K.CHANDRAN PILLAI
BY ADV. SMT.S.AMBILY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF THE APPROVAL ORDER OF THE INSTITUTE DATED 04/06/2014 OF THE AICTE.**
- EXT.P2: TRUE COPY OF THE EXPENDITURE STATEMENT OF THE PETITIONER ISSUED FROM THE COLLEGE.**
- EXT.P3: TRUE COPY OF THE INCOME CERTIFICATE OF PETITIONER.**
- EXT.P4: TRUE COPY OF THE POSSESSION CERTIFICATE OF REGARDING THE PROPERTY OF THE FATHER OF THE PETITIONER.**
- EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 03/02/2015 SUBMITTED BY THE FATHER OF THE PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT.P6: A TRUE COPY OF THE R.B.I.CIRCULAR REF.NO. RPCD.PLNFS.BC. NO. 83/06, 12.05/2000-01 DATED 28/04/2001 ALONG WITH THE MODEL EDUCATIONAL LOAN SCHEME.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.6861 of 2015

Dated this the 18th day of March, 2015

JUDGMENT

The learned counsel for the third respondent Bank submits that the respondent Bank does not have objection in accepting the application for educational loan and that the Bank only insisted to produce some documents including a 'non due certificate' from the other concerned Banks.

The learned counsel for the petitioner points out that the financial assistance availed earlier from some other Bank was in respect of the studies of the elder son, which has no relevance for the present case, as the cause of action is different and the educational loan now sought for is for pursuing study of the younger son.

After hearing both the sides, this Court finds that the cause of action projected in the present writ petition is different one and the younger son of the petitioner is also entitled to pursue his study by availing necessary financial assistance, subject to

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satisfaction of the relevant norms as per the scheme.

In the said circumstances, the petitioner is set at liberty to submit a fresh application before the third respondent Bank forthwith, upon which the same shall be considered and appropriate orders shall be passed, also in the light of the observation made by a Division Bench of this Court in the decision reported in **Prakash Vs. Principal** [2014 (1) KLT 232] so as to disburse the eligible extent of loss without any further delay.

The writ petition stands disposed of.

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

rkc.