IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 6905 of 2015 (K)

PETITIONERS :
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1. JAISON GEORGE, S/O.T.S.GEORGE, AGED 19 YEARS, THADATHIL HOUSE, POOKKOOTTUMPADAM P.O., THOTTEKADU, NILAMBUR TALUK, MALAPPURAM DISTRICT.

2. AJITHA.N.D., S/O.DAS, AGED 19 YEARS, NEDUMKANDATHIL HOUSE, AMARAMBALAM.P.O., NILAMBUR TALUK, MALAPPURAM DISTRICT

BY ADVS.SRI.JOHN JOSEPH(ROY)
SRI.MATHEW JACOB (KUNNATHU)

RESPONDENT(S):
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1. UNION OF INDIA, REPRESENTED 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 SOUTH INDIAN BANK LIMITED, POOKKOTTUMBADAM BRANCH, VIA, POOKKOTTUMBADAM, MALAPURAM DISTRICT, PIN - 683 546, REPRESENTED BY ITS SENIOR MANAGER.

4. CANARA BANK, MALAPURAM BRANCH, MALAPURAM P.O., MALAPURAM DISTRICT, REPRESENTED BY ITS SENIOR MANAGER- 683 546.

R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY ADV. SRI.GEORGE VARGHESE,SC,SOUTH INDIAN BANK
R4 BY ADV. SRI.K.S.DILIP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 6905 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE APPROVAL OF THE INSTITUTE DATED 4.6.14 OF THE AICTE

P2- TRUE OCY OF THE EXPENDITURE STATEMENT OF THE 1ST PETITIONER ISSUED FROM THE COLLEGE

P3- TRUE COPY OF THE EXPENDITURE STATEMENT OF THE 2ND PETITIONER ISSUED FROM THE COLLEGE

P4- TRUE COPY OF THE INCOME CERTIFICATE OF 1ST PETITIONER

P5- TRUE COPY OF THE INCOME CERTIFICATE OF 2ND PETITIONER

P6- TRUE OCPY OF THE LETTER SUBMITTED BEFORE THE DISTRICT COLLECTOR DATED 16.10.2014 BY THE FATHER OF THE 1ST PETITIONER

P7- TRUE COPY OF HE REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 22.12.2014 BY THE FATEHR OF THE 1ST PETITIONER

P8- TRUE COPY OF THE LETTER SUBMITTED BEFORE THE 3RD RESPONDENT DATED 22.12.2014 BY THE FATHER OF THE 2ND PETITIONER

P9- A TRUE COPY OF THE R.B.I CIRCULAR REF. NO.RPCD.PLNFS.BC.NO.83/06.12.2000-01 DATED 28.4.2001 ALONG WITH THE MODEL EDUCATIONAL LOAN SCHEME

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 6905 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

> "i. Issue a Writ of Mandamus or any other writ order or direction commanding the 3rd and 4th respondent to issue the application for educational loans to the petitioners in accordance with Ext.P9 and the Circulars issued by the Reserve Bank of India; and to grant educational loan to the petitioners within a time frame as may be fixed by this Hon'ble Court.
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> ii. Issue a Writ of Mandamus or any other writ, order or direction commanding the 1st and 2nd respondents to ensure the implementation of Ext.P9 by the 3rd respondent Bank.
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> iii. Issue such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. The grievance of the petitioners is that, the petitioners want to pursue their engineering studies in the Prasanna College of Engineering and Technology, Belthangady Taluk, Karnataka. The course is of four years' duration. It is stated that the petitioners have obtained admission in merit quota and are eligible to obtain educational loan in view of the mandate of the relevant circulars/scheme issued by respondents 1 and 2. When

the petitioners approached some of the Banks including he 4th respondent Bank, they were required to approach the 3rd respondent as they are residing in the area of the third respondent. It was accordingly, that they approached the 3rd respondent and the 3rd respondent turned Nelson's eye against the petitioners' request and hence the writ petition.

3. The learned Standing Counsel for the 3rd respondent submits that the version of the petitioners as put forth in the writ petition is not at all true or correct. At no point of time had the petitioners submitted application before the 3rd respondent. They approached the 3rd respondent seeking for the particulars of loan. The statement filed by the 3rd respondent in this regard is as follows:

> "1. Parents of petitioners have approached the bank during November 2014 enquiring about educational loan to their sons saying that they got admission for Eng: course in a college in Mangalore. It is also informed that they have approached the State Bank of Travancore, Gramin Bank and Federal Bank at Pookkottumpadom, but the said banks advised them to approach the South Indian Bank as they are residents of 19th ward of Amarambalam Panchayath.
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> 2. Manager of the 3rd respondent appraised the parents the rate of interest for the loan and that 50% mark is required

> for the core subjects for considering the loan application. Thereafter they have not come to the bank. It is instructed by the bank that they have not refused to give applications for loan as averred in the W.P.(C). If applications are submitted it will be considered by the bank authorities in accordance with law."

4. The learned counsel for the petitioners submits that the 3rd respondent has got a duty to meet the social objective, particularly with regard to the educational sector in terms of the policy formulated by the 1st respondent and the scheme given shape to by the 2nd respondent/Reserve Bank of India. The eligibility has to be considered in the light of Ext.P9 issued by the 2nd respondent and also in the light of the observation made by the Division Bench of this Court in **Prakash** v. **Principal** (2014 (1) KLT 232 (DB).

5. The learned counsel for the Bank submits that there was no refusal at all from the part of the Bank at any point of time and if an application is filed by the petitioners, the same will be considered and further steps will be taken in accordance with law.

6. In the above circumstance, the petitioners are relegated to approach the 3rd respondent by filing an application showing

the extent of loan required, upon which the said application shall be considered in the light of the relevant guidelines including Ext.P9 and the observations made by this Court as per the decision cited supra, which shall be done 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.

P.R. RAMACHANDRA MENON,
JUDGE.

kp/-