

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 8396 of 2014 (Y)

PETITIONER(S):

1. DAIN LUKOSE, AGED 20, S/O.LUKOSE,
NEDIYAKALAYIL HOUSE, RAMAPURAM BAZAR,
RAMAPURAM, KOTTAYAM.
2. ANEX MATHEW, NAZHORIMATTATHIL,
SOUTH PAMPADY, KOTTAYAM.
3. ALPHIN THOMAS, ARACKAL HOUSE,
EDAYARIKAPUZHA P.O., KOTTAYAM.
4. ANJALY MOHANDAS, ERATHU HOUSE,
KUMMANOOR P.O., KOTTAYAM.
5. ARYA RAJEEV, KAYYANIKUNNEL HOUSE,
POOVATHODU, KOTTAYAM.
6. SURAJ CHANDRAN, KURUTHIKALAM,
VELIYANADU, ALAPPUZHA.

BY ADV. SRI.M.J.THOMAS

RESPONDENT(S):

1. UNION OF INDIA, REPRESENTED BY
THE SECRETARY TO FINANCE DEPARTMENT,
CENTRAL SECRETARIAT, NEW DELHI - 110001
2. THE SECRETARY TO UNION GOVERNMENT,
MINISTRY OF HUMAN RESOURCES DEPARTMENT,
DEPARTMENT OF HIGHER EDUCATION, NEW DELHI -110001.
3. THE CHAIRMAN,
INDIAN BANKS ASSOCIATION (IBA), HEAD OFFICE,
BLOCK NO.2 & 3, STADIUM HOUSE, 6TH FLOOR, 81, 82, 83,
VEER NIRMAN ROAD - MUMBAI - 400200.
4. THE CHAIRMAN, STATE LEVEL BANKER COMMITTEE
C/O.CANARA BANK TO ZONAL OFFICE POOJAPPURA,
THIRUVANANTHAPURAM -695 001.

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5. THE CHAIRMAN AND MANAGING DIRECTOR,
STATE BANK OF TRAVANCORE, POOJAPPURA,
THIRUVANANTHAPURAM - 695 012.
6. BRANCH MANAGER,
STATE BANK OF TRAVANCORE,
RAMAPURAM, PALA - 686 575.
7. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE,
PAMPADY, KOTTAYAM - 686 001.
8. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE,
EDAYIRIKKAPUZHA - 686 001.
9. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE,
KIDANGOOR, KOTTAYAM - 686 572.
10. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE,
BHARANGANAM, KOTTAYAM - 686 578.
11. THE CHAIRMAN AND MANAGING DIRECTOR,
FEDERAL BANK, ALWAYE - 683 101.
12. THE BRANCH MANAGER, FEDERAL BANK,
KIDANGARA, ALAPPUZHA - 686 102.

R1 & R2 BY SRI.NAGARESH, ASG OF INDIA
R3 BY SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE)
ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
R5 TO R10 BY SRI.K.S.DILIP, SC
R12 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPY OF THE COMMUNICATION ISSUED TO THE 5TH PETITIONER BY THE BRANCH MANAGER, BHARANGANAM BRANCH, SBT.
- EXT.P-2: TRUE COPY OF THE COMMUNICATION ISSUED TO THE 6TH PETITIONER BY THE 12TH RESPONDENT.
- EXT.P-3: TRUE COPY OF THE LETTER BY BRANCH MANAGER, SBI, PAMPADY TO THOMAS VARGHESE.
- EXT.P-4: TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 SENT BY THE 1ST PETITIONER TO 5TH RESPONDENT.
- EXT.P-4(A): TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 SENT BY THE 2ND PETITIONER TO 5TH RESPONDENT.
- EXT.P-4(B): TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 SENT BY THE 3RD PETITIONER TO 5TH RESPONDENT.
- EXT.P-4(C): TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 SENT BY THE 4TH PETITIONER TO 5TH RESPONDENT.
- EXT.P-4(D): TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 SENT BY THE 5TH PETITIONER TO 5TH RESPONDENT.
- EXT.P-4(E): TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 SENT BY THE 6TH PETITIONER TO 11TH RESPONDENT.

RESPONDENT(S)' EXHIBITS:

- EXT.R12(A) : TRUE COPY OF MODEL EDUCATIONAL SCHEME ISSUED BY THE IBA.
- EXT.R12(B) : TRUE COPY OF SPECIAL VIDYA LOAN SCHEME ISSUED BY THE 12TH RESPONDENT.
- EXT.R12(C) : TRUE COPY OF THE CIRCULAR NO.3481/CRM/IRMD 53/2013-14 DATED 21.8.2013 OF THE HEAD OFFICE THE FEDERAL BANK LTD., ALUVA.

/TRUE COPY/

P.S. TO JUDGE

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A.M.SHAFIQUE, J

W.P.C.No.8396 of 2014

Dated this the 30th day of March 2015

J U D G M E N T

This writ petition concerns the minimum cut off marks fixed by the respective banks in the matter relating to grant of educational loan. The banks insisted that the candidates getting 60% marks in the basic qualifying examination alone will be entitled to avail the loan for educational purposes. In **Runa Varghese v. Federal Bank** [2014(2) KLT 764], it has been held that fixation of said cut off marks is not reasonable.

2. Having regard to the aforesaid factual situation, I am of the view that this writ petition can be disposed of directing the respective banks to consider the application of the petitioners without insisting for 60% cut off marks, as claimed earlier. Petitioners are at liberty to file fresh applications with a copy of this judgment which shall be considered by the respective banks within a period of one month from the date of receipt of a copy of this judgment.

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr

