IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 26953 of 2015 (T)

PETITIONER :

AJMAL MOHAMMED, AGED 18 YEARS,
S/O.SHARMILA P.R., AL AJ MANZIL, K.D.P. PO,
SOUTH KALAMASSERY.

BY ADVS.SRI.S.GANESH
SRI.P.S.SIDHAN

RESPONDENT(S):

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1. THE CHAIRMAN AND MANAGING DIRECTOR,
CANARA BANK, 112, JC ROAD,
BANGALORE- 560 002.

2. THE MANAGER,
CANARA BANK, KOTTAPURATH ARCADE, GROUND FLOOR,
CHURCH ROAD, NORTH KALAMASSERY-683 104.

R1 & R 2 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 26953 of 2015 (T)
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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: **TRUE COPY OF THE CERTIFICATE ISSUED BY BOARD OF HIGHER SECONDARY EXAMINATIONS.**

EXHIBIT-P2: **TRUE COPY OF THE CERTIFICATE OF APPROVAL AND FEE STRUCTURE OF ACCA+B COM.**

EXHIBIT-P3: **TRUE COPY OF CIRCULAR NO.179/2014 ISSUED BY RESPONDENT BANK DATED 01/04/2014.**

EXHIBIT-P4: **TRUE COPY OF THE COMMUNICATION OF THE 2ND RESPONDENT BANK DATED 08/08/2015.**

EXHIBIT-P5: **TRUE COPY OF THE MODEL EDUCATIONAL LOAN SCHEME FOR PURSUING HIGHER EDUCATION IN INDIA AND ABROAD ISSUED BY INDIA BANK ASSOCIATION (IBA) DATED SEPTEMBER, 2012 AND ITS GUIDANCE NOTES.**

RESPONDENT(S)' EXHIBITS AND ANNEXURES:

ANNEX R1(A): **COPY OF THE CIRCULAR NO.234/2009 DATED 10/7/2009, ISSUED BY THE HEAD OFFICE OF THE RESPONDENT BANK.**

ANNEX R1(B): **COPY OF THE CIRCULAR NO.436/2014 DATED 6/8/2014, ISSUED BY THE HEAD OFFICE OF THE RESPONDENT BANK.**

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 26953 of 2015

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Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner applied for an educational loan. Along with the petitioner, his mother also was a co-applicant.

2. The Bank denied the loan for the reason that mothers credit records is negative as seen from the credit information maintained by CIBIL.

3. The petitioner has joined for the course, ACCA with B.Com. There is no dispute that the petitioner is otherwise eligible for educational loan except for the interrogative credit record of the mother.

4. The loan is being granted to the petitioner to pursue a course. The mother in fact appears to have joined a co-applicant based on a policy requirement.

5. This Court is of the view that merely because of a certain negative records shown to the mother's account cannot be a reason to deny educational loan to the petitioner. It appears that mother of

the petitioner is a widow and her husband is no more.

6. The bank essentially has to follow the Ext.P5 guidance notes of loan and repayment capacity of the student. The loan is to be awarded based on the employability of the degree to be acquired by the student. In such a situation, this Court is of the view that merely based on the mother's credit records, the petitioner's application cannot be denied.

In view of the discussion as above, the writ petition is allowed. There shall be a direction to the first respondent to sanction the petitioner's educational loan in accordance with law, within two weeks from the date of receipt of the copy this judgment.

sd/-

sab A.MUHAMED MUSTAQUE, JUDGE