

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No.31563 of 2014 (U)

PETITIONER:

**VIJAYALAKSHMI.K,AGED 17 YEARS,MINOR,
REPRESENTED BY HER FATHER SHRI.KARUPPA SAMY,
MELADY,MARAYOOR P.O.,IDUKKI DISTRICT - 685 620.**

**BY ADVS.SRI.T.R.JAGADEESH
SRI.V.A.VINOD**

RESPONDENT:

**BRANCH MANAGER,STATE BANK OF TRAVANCORE,
MARAYOOR BRANCH,IDUKKI-685 620.**

BY SRI.R.S.KALKURA,SC,SBT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.04.2015 ALONG WITH WPC.33597/2014 THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1:TRUE COPY OF THE ADMISSION LETTER DATED 18/06/14.

EXHIBIT P2:TRUE COPY OF FEES ESTIMATION DETAILS.

EXHIBIT P3:TRUE COPY OF LIST OF COLLEGES APPROVED BY THE INDIAN NURSING COUNCIL.

EXHIBIT P4:TRUE COPY OF LETTER NO.AGM/V/E DATED 09/09/2014.

EXHIBIT P5:TRUE COPY OF HIGHER SECONDARY EDUCATION CERTIFICATE OF THE PETITIONER.

EXHIBIT P6:TRUE COPY OF INDIAN BANKS ASSOCIATION GUIDELINES FOR MODEL EDUCATIONAL LOAN SCHEME.

RESPONDENT'S ANNEXURES:

ANNEXURE R1(a):TRUE COPY OF THE EDUCATION LOAN SCHEME ISSUED BY THE RESERVE BANK OF INDIA DATED 2.5.2001 BEARING NO.RPCE. PLNFS. VC.NO.83/06.12.05/2000-01.

ANNEXURE R1(b):TRUE COPY OF THE COMMUNICATION DATED 31.5.2012 ISSUED TO THE CHIEF EXECUTIVES OF ALL MEMBER BANKS BY THE INDIAN BANKS ASSOCIATION.

ANNEXURE R1(c):TRUE COPY OF THE MASTER CIRCULAR BEARING NO.PSB18/2011 DATED 13.6.2011 RELATING TO SBT EDUCATION LOAN SCHEME.

ANNEXURE R1(d):TRUE COPY OF THE MASTER CIRCULAR ON EDUCATION LOAN BEARING NO.PSB 01 OF 2012 DATED 10.1.2012.

ANNEXURE R1(e):TRUE COPY OF THE IBA MODEL EDUCATION LOAN SCHEME DATED SEPTEMBERR 2012.

ANNEXURE R1(f):TRUE COPY OF THE MASTER CIRCULAR BEARING NO.PSB/23/2012 DATED 20.11.2012.

ANNEXURE R1(g):TRUE COPY OF THE REVISED GUIDANCE NOTES DATED 31.5.2012 ISSUED BY THE INDIAN BANKS ASSOCIATION.

ANNEXURE R1(h):TRUE COPY OF THE CENTRAL SCHEME TO PROVIDE INTEREST SUBSIDY ISSUED BY THE GOVERNMENT OF INDIA,MINISTRY OF HUMAN RESOURCES DEVELOPMENT,DEPARTMENT OF HIGHER EDUCATION.

WP(C).No.31563 of 2014 (U)

**ANNEXURE R1(i):TRUE COPY OF ORDER NO.8-8/2009-EE.3 OF THE
GOVERNMENT OF INDIA, MINISTRY OF HUMAN RESOURCES
DEVELOPMENT, DEPARTMENT OF SCHOOL EDUCATION AND
LITERARY EE-3 SECTION DATED 14.9.2009.**

**ANNEXURE R1(j):TRUE COPY OF THE ORDER NO.F.11-3/2006-U.5 OF THE
GOVERNMENT OF INDIA,MINISTRY OF HUMAN RESOURCES
DEVELOPMENT,DEPARTMENT OF HIGHER EDUCATION
DATED 8.9.2009 TO M.V.NAIR,CHAIRMAN, INDIAN BANKS
ASSOCIATIOIN AND ITS ANNEXURES.**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) Nos. 31563 and  
33597 of 2014

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Dated, this the 6th day of April, 2015

JUDGMENT

The issue involved in both these cases is with regard to the lapses on the part of the respondent Bank in considering the application preferred by the petitioners in sanctioning the education loan.

2. The case of the petitioners is that they have secured admissions in the concerned institutions based on the merit rating done in pursuance of the selection process conducted, as disclosed from Ext. P1. It is stated that institutions concerned are having proper affiliation. The applications preferred by the petitioners for granting education loan was refused to be acted upon by the respondent Bank stating that petitioners do not possess the minimum extent of marks to the satisfaction of the Bank, to grant educational loan. The learned counsel for the petitioners submits that the said course is not proper in view of the law declared by a Division Bench of this Court in **Manager, Andhra Bank Vs. Reshma Shyam [2014**

*W.P.(C) Nos. 31563 and
33597 of 2014.*

: 2 :

(4) KHC 704 . The petitioners are seeking for the benefit flowing the said judgment.

3. The learned standing counsel for the respondent Bank submits that the said decision was resulted because of not bringing the actual facts and figures to the notice of the Court. The learned counsel submits that the respondent Bank has filed a detailed statement, pointing out the actual facts and figures with reference to the relevant norms, Scheme and such other documents. It is also made a mention that under similar circumstances, a Writ Appeal came to be filed [**W.A. No. 1147 of 2014**] challenging the verdict passed by the another learned Judge granting the benefit of educational loan.

4. In view of pendency of **W.A. 1147 of 2014** before this Court and also taking note of the submission made by the learned standing counsel in this regard, this Court had passed an order on 06.01.2015, causing the matter to be placed before the Honourable Chief Justice to consider whether these matters could be tagged along with W.A. No. 1147 of 2014, in view of the nature of contentions raised by both the sides. When W.A. 1147 of 2014 came up for consideration of the Bench on 02.02.2015,

*W.P.(C) Nos. 31563 and
33597 of 2014.*

: 3 :

interference was declined with reference to the factual position involved therein and for the reasons mentioned in paragraph 5 of the said judgment. Since the merit of the contentions was not adjudicated in the above writ appeal, with reference to the pleadings set forth, the writ petitions came to be reposted before this Bench.

5. The learned counsel for the respondent Bank submits that the Division Bench in **W.A. No. 1147 of 2014** has left the issue open, to be considered. On going through the verdict already passed by the Division Bench, as reported in **2014 (4) KHC 704** (cited supra), as far as the issue involved in these writ petitions is concerned, this Court is bound by the said verdict and there cannot be any re-appreciation of the same by this Court sitting over and above the verdict passed by the Division Bench as aforesaid. This Court cannot but find that the stand taken by the Bank is not in conformity with the law laid down by the Division Bench.

In the said circumstances, the impugned orders are set aside and the authorized officer of the respondent Bank is directed to reconsider the applications preferred by the petitioners for grant of

*W.P.(C) Nos. 31563 and
33597 of 2014.*

: 4 :

education loan, in terms of the judgment passed by the Division Bench of this Court vide **2014 (4) KHC 704** (cited supra). The proceedings as above shall be finalized as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd