

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13966 of 2015

Minor.S.R.Sainath
represented by Natural Guardian and Father
S.Rangarajan .. Petitioner

-Vs.-

The Branch Manager
Indian Bank
Perungalathur Branch
No.16/24, Srinivasaraghavan Street
Perungalathur, Chennai South
Chennai - 600 063. .. Respondent

Writ Petition under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondent Bank to sanction and disburse the educational loan of
Rs.5,12,000/- (Rupees five lakhs and twelve thousand only) to the
petitioner for the same academic year as per the fee structure of the
institution for his Bachelor Degree Computer Science of Engineering
in Dhanalakshmi College of Engineering, Tambaram, Chennai - 601 301.

For Petitioner : Mr.M.Balasubramanian
For Respondent : Mr.Jayesh 'B' Dolia
for
M/s.Aiyar and Dolia

O R D E R

By consent, the Writ Petition itself is taken up for final
disposal.

2. The deponent of the affidavit is the father and natural
guardian of the minor petitioner namely S.R.Sainath and he is
carrying on his avocation as Petrol Bunk Cashier and accordingly, his
entire family is depending on his salary earned out of the said
avocation.

3. The father of the minor petitioner would submit that with great difficulty, he is able to provide good education to his son and on the basis of the marks secured in Higher Secondary Course, he was selected for undergoing B.E. Computer Science Course at Dhanalakshmi Engineering College, Manimangalam, Kanchipuram District, under the Management Quota and he got admitted for the academic year 2013-2014 in the said College and also paid necessary fees with great difficulty by raising funds from money lenders and third parties, who are in the habit of charging exorbitant rate of interest.

4. The father of the minor petitioner would further submit that the total expenditure for four semesters is worked out at Rs.5,12,000/- and though the formalities required for getting education loan were complied with as early as on 12.02.2014, the respondent Bank had not sanctioned the loan till this date. Hence, the petitioner came forward with this Writ Petition.

5. The learned counsel for the petitioner would submit that the petitioner is hailing from the lower strata of the society and if the educational loan is not sanctioned, the minor petitioner is not able to continue and complete his studies. The learned counsel for the petitioner would further submit that the petitioner is first generation student undergoing Graduation Course and prays for appropriate relief.

6. Per contra, Mr.Jeyesh 'B' Dolia, learned counsel who accepts notice for the respondent Bank has invited attention of this Court to the proceedings of the Bank dated 11.04.2015, wherein it has been stated that the educational loan proposal submitted by the father of the minor petitioner was placed before the Zonal Office Committee and the Committee has declined the proposal and admittedly the said order has not been put to challenge and prays for dismissal of the Writ Petition.

7. Heard Mr.M.Balasubramanian, learned counsel appearing for the petitioner and Mr.Jeyesh 'B' Dolia, learned counsel who accepts notice for the respondent Bank.

8. The fact remains that the father of the minor is carrying his avocation as cashier in a petrol bunk and with great difficulty, he is educating his son by admitting him in B.E. Computer Science Course at Dhanalakshmi Engineering College, Manimangalam, Kanchipuram District.

9. It is the submission of the learned counsel appearing for the petitioner that the minor petitioner is an intending first graduate hailing from the family of the deponent of the affidavit. Taking the said fact and circumstances and the object of the nationalised Banks in providing educational loans to needy and downtrodden, this Court is inclined to quash the impugned proceedings

with further direction to direct the Bank to consider the application submitted by the petitioner as per the eligible norms.

10. In the result, the Writ Petition is disposed of and the respondent Bank is directed to consider the loan application dated 09.02.2015 submitted by the petitioner, in terms of the eligible norms and also shall take into consideration the fact that the father of the minor petitioner is hailing from economically weaker society and the minor petitioner intending to be the first generation graduate. The respondent Bank is directed to do the said exercise within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To
The Branch Manager
Indian Bank
Perungalathur Branch
No.16/24, Srinivasaraghavan Street
Perungalathur, Chennai South
Chennai - 600 063.

+ 1 cc to M/S. Aiyar & Dolia, Advocate SR.25995
+ 1 cc to M/s. M. Balasubramanian, Advocate SR.25732

CA(CO)
EU 03.06.2015

सत्यमेव जयते

W.P.No.13966 of 2015

WEB COPY