

In the High Court of Judicature at Madras

Dated: 06.11.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.21696 of 2015

R.Sabareeswaran

.. Petitioner

Vs

Bank of India,
Represented by its Branch Manager,
S.F.No.47, Main Road,
Ganapathipalayam,
Tirupur-641 605.

.. Respondent

PRAYER: PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondent Bank to consider the representation of the petitioner dated 28.05.2015 and sanction Educational Loan to the petitioner.

For Petitioner : Mr.Kandhan Duraisami
For Respondents : Mr.Benjamin George

ORDER

The petitioner sought for loan from the respondent-Bank for the purpose of continuing and completing his education in the B.E., course. As the request made was not considered by the respondent, the petitioner has filed the present writ petition.

2. In the Counter affidavit filed by the respondent-Bank, it has been stated that as there is no common entrance test, the bank has fixed 65% of the marks in the qualifying examination as cut-off marks besides getting admission to "A" grade Institution is made mandatory. When these two criteria have not been satisfied, the application cannot be considered on merit.

3. The learned counsel appearing for the petitioner has made reliance upon the order dated 05.10.2015 passed by this Court in W.P.No.21695 of 2015 , wherein it has been held as follows:

"The petitioner, belonging to Most Backward Community, hailing from a poor agricultural family, sought for loan from the respondents to pursue studies in Jay Shriram Group of Institutions, Avinashipalayam, Tirupur. He was allotted a seat by the Tamil Nadu Engineering Admissions 2014 under the Government quota in B.E. (Civil Engineering) course. The request made by the petitioner was not considered on the ground that the institution is not in the approved list communicated by the Indian Banks Association.

2.What is relevant is the entitlement of the petitioner. Admittedly, the petitioner has been given admission under Government quota. The institution is also a recognised one. Merely, because it has not been identified by the Indian Banks Association, the same cannot be a factor to deny the educational loan, provided, the petitioner satisfies all other parameters. The object of the loan is to help a student, who is in financial need.

3.The Writ Petition is disposed of by directing the respondent no.2 to consider the case of the petitioner on merits and in accordance with law and take appropriate steps within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to co-operate with the respondent no.2 by providing all the required particulars. No costs."

4. What is to be considered is the object and rationale behind the scheme, which is to give a helping hand to the students for the purpose of completing their education. The classification sought to be made is artificial. . What is important is a course and its completion. There is no difference between a student, who got a degree under the Government quota with a one who got under the management quota. The classification has also got no nexus with the object sought to be achieved. There is no rationality behind it. The Division Bench of this Court in Branch Manager, Indian Overseas Bank and others Vs. A.Ravi and others (W.A.No.1632 of 2013 dated 17.06.2014), after considering the eligibility criteria evolved in the revised policy in the Review Meeting held on 27.09.2014, has held as follows:

"In the guidelines framed in the Review Meeting held on 27.9.2012 nowhere it is stated that Education Loan can be sanctioned only for those, who have secured 60% and more marks.

7. In the light of the revised policy evolved in the Review Meeting held on 27.9.2012 at the instance of the Honourable Finance Minister, Government of India, we are unable to find any reason to interfere with the order of the learned Single Judge dated 20.6.2013 in allowing the Writ Petition. Consequently, this Writ Appeal is dismissed, confirming the Order dated 20.6.2013 made in W.P.No.923/2013. The Appellant Bank is directed to process the Application of the First Respondent without reference to the objections raised and sanction Education Loan as per the eligibility of the First Respondent within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed."

5. In the case on hand, there is no dispute that the institution is a regularised one. The petitioner has obtained 62% marks. Thus, the writ petition stands disposed of by directing the respondent-Bank to consider the petitioner's representation dated 28.05.2015 on merits without rejecting it on the grounds that the petitioner has got only 62% of marks and he has not got admission under the Government quota. The said exercise will have to be done by the respondent within a period a eight weeks from the date of receipt of a copy of this order. No costs.

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ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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+1 CC to MR. Benjamin George Advocate. SR.NO. 61654
+1 CC to MR. Muthumani Doraisami Advocate. SR.NO. 61624

W.P.No.21696 of 2015

CO-CTK
JD 27/11/2015