IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.22320 of 2015

V.Kiruthika ... Petitioner

Vs.

1. The Branch Manager,
   Indian Overseas Bank,
   Virudhachalam Taluk.

2. The District Collector,
   Office of the Collectorate,
   Cuddalore District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the first respondent Bank to sanction and disburse the educational loan to the petitioner for the 4 academic years as per the fees structure of the Institution of my B.Sc.(Nursing) Degree course, Nightingale College of Nursing, Magadi Road, Bangalore - 560 023 expeditiously.

For Petitioner : Mr.P.Manikannan
For R1 : Mr.Benjamin George

O R D E R

The petitioner admittedly got admission in B.Sc. (Nursing) degree course in Nightingale College of Nursing, Magadi Road, Bangalore, under the management quota. The petitioner sought for loan from the first respondent. As the said request was not considered, the present writ petition has been filed.

2. Learned counsel appearing for the petitioner submitted that the petitioner is entitled for the consideration of educational loan. The criteria fixed earlier by restricting the consideration of educational loan with reference to the percentage of marks has been diluted by the subsequent policy decision evolved in the review meeting held on 27.09.2012. Insofar as the issue of accreditation is concerned, the

petitioner would satisfy the same by producing the relevant documents to the first respondent. Thus, the first respondent may be directed to consider the application in the light of the above. Reliance has been made on the order passed by this Court in W.P.Nos.22617 and 22321 to 22323 of 2015, dated 04.09.2015.

3. Learned counsel appearing for the first respondent made two submissions; firstly on the entitlement of the petitioner based upon the percentage of the marks obtained; secondly on the issue of accreditation of the College in which the petitioner is studying. In support of his contention, reliance has been made on the decision of the Hon'ble Division Bench of this Court in W.A.No.1632 of 2013, dated 17.06.2014, as well as the order passed in W.P.(MD)No.10425 of 2011, dated 12.12.2011.

4. Coming to the first issue, Hon'ble Division Bench of this Court in a judgment reported in CDJ 2014 MHC 2802 (Indian Overseas Bank v. A.Ravi) has taken note of the revised policy decision evolved in a review meeting held on 27.09.2012. Relevant paragraphs of the said judgment are extracted below:

> "5. The issue as to whether a person admitted in the Management quota, is eligible to get Education Loan, has already been settled by the announcement of the Union Finance Minister. It was stated therein that the students admitted in Management quota are also entitled to get the Education Loan and all the Banks were directed to adopt the said policy. A Review Meeting with the Chief Executives of the Public Sector Banks was conducted on 27.09.2012 and a decision was taken stating that the Honourable Minister brought out a number of areas in the implementation of Educational Loan Scheme, where the Government was constantly receiving grievances/complaints from affected students/parents. One of the grievance was that the meritorious students admitted under the management quota are denied education loan. The said position was reviewed at the level of Committee on Educational Loan Scheme and thereafter, the Managing Committee at its meeting held on 27.09.2012, based on the discussions, took a decision and it was resolved that the Managing Committee considered the recommendations made by the IBA Committee on Educational Loan Scheme and after detailed discussions decided to incorporate a provision for financing meritorious students, who pursue courses under Management quota in

an institution for reasons of convenience (proximity) or choice of course. It is also stated in the decision that Loan Applications have to be disposed of within a period of 15 days to one month.

7. In the light of the revised policy evolved in the Review Meeting held on 27.09.2012 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 20.06.2013 in allowing the Writ Petition. Consequently, this Writ Appeal is dismissed, confirming the order dated 20.06.2013 made in W.P.No.923/2013. The appellant Bank is directed to process the applications 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 Cost. Consequently, connected miscellaneous petition is closed."

5. Thus, there cannot be any objection for non-consideration of the loan with reference to the percentage of marks obtained. Insofar as the other contention is concerned, submission of the counsel for the petitioner is recorded to the effect that the relevant documents pertaining to the accreditation of the College in which the petitioner is studying would be produced to the satisfaction of the first respondent.

6. Accordingly, the writ petition stands disposed of by directing the first respondent to process the application of the petitioner towards sanctioning of loan subject to a condition that the petitioner produces the relevant documents to the satisfaction of the first respondent with reference to the accreditation of the College in which she is studying. No Costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Branch Manager,

Indian Overseas Bank,
Virudhachalam Taluk.

2. The District Collector,
Office of the Collectorate,
Cuddalore District.

+1 cc to Mr.P.Manikandan,Advocate(sr.55641)
+1cc to Mr.F.B.Benjamin George, Advocate Sr.55754(3/11/2015)

W.P.No.22320 of 2015

VSN(co)
cp 19/10/2015