

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.3270 OF 2015

A.Vasantha Kumar

... Petitioner

Versus

The Branch Manager,
Indian Overseas Bank,
Koonimedu Branch,
E.C.R. Road,
Koonimedu - 604 303
Villupuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent bank to sanction and disburse the Educational loan of Rs.4,26,755/- (Rupees four laksh twenty six thousand seven hundred and fifty five only) to the petitioner for the entire academic years as per fee structure of the institution for petitioner's Bachelor Degree (Mechanical Engineering) in Annamalai University, Annamalai Nagar - 608 002, Chidambaram, Cuddalore District.

For Petitioner : Mr.K.Selvarangan

For Respondent : Mr.Y.Jyothish Chander

सतयमेव जयते
O R D E R

Heard Mr.K.Selvarangan, learned counsel appearing for the petitioners and Mr.Y.Jyothish Chander, learned counsel appearing for the respondent Bank.

2. The petitioner has filed this writ petition praying for issuance of Writ of Mandamus directing the respondent bank to sanction and disburse the Educational loan of Rs.4,26,755/- (Rupees four laksh twenty six thousand seven hundred and fifty five only), as per fee structure of the institution, to enable him to pursue his

education in Bachelor of Engineering Degree in Mechanical Engineering Course in Annamalai University, Annamalai Nagar - 608 002, Chidambaram, Cuddalore District..

3. Though the petitioner has filed this writ praying for a Mandamus, the Chief Manager, Rapid Retail Centre of the respondent Bank has sent a communication dated 20.01.2015 to the respondent Branch Manager, Koonimedu Branch, stating that the petitioner has not secured 60% marks in the qualifying examination and therefore, the respondent Bank was not in a position to consider the petitioner's application. This communication appears to be a internal communication between the Chief Manager and the Branch Manager.

4. The issue involved in this writ petition is as to whether the petitioner's application could be rejected solely on the ground that he has not secured 60 % marks in the qualifying examination, i.e., +2 examination. The competency of the respondent Bank and the jurisdiction to impose 60% cut off mark has been upheld by the Division Bench of this Court in A.Kasinathan V. The Branch Manager, Canara Bank, Town Hall Road, Madurai, reported in 2012 Writ Law Reporter 640. Therefore, in terms of the Indian Banks Association guidelines, the respondent Bank is entitled to insist upon the 60% marks cut off. However, in certain cases, a slight latitude and discretion could be exercised by the respondent Bank for good and sufficient reasons.

5. In fact, an identical case was considered by the Madurai Bench of this Court in W.P.(MD)No.2099/2014, dated 04.08.2014. In that case also candidate secured less than the cut off marks prescribed by the IBA guidelines. This Court, considering the entire issue and object, for which, the educational loan scheme was introduced, while upholding the power to fix cut off marks, observed that the respondent Bank could consider the cases, where, the candidates have secured more than 55% marks in the qualifying examination or nearing 60 %, and they could also assess the performance of the students in the course they are studying at present, for which, they seek for educational loan. In the instant case also, such benefit could be extended to the petitioner by the respondent Bank by calling for the present academic performance of the petitioner in B.E. Course from the Annamalai University.

6. Considering the fact that the petitioner has secured 57 % marks and he belong to M.B.C. and his father is an agriculturist and the petitioner secured a seat in the Annamalai University, which has now been taken over by the Government and it is not a management

quota seat and he secured a seat under the Government quota, this Court is of the view that these factors could also be taken into consideration by the respondent Bank, while examining the petitioner's application.

7. In the light of the above facts, this writ petition is disposed of directing the respondent Bank including the Chief Manager, IOB, Rapid Retail Centre, Kadirkamam, Pondicherry, to reconsider the petitioner's request in the light of the above observations and the respondent Bank shall do the needful in the matter to enable the petitioner to continue his education. The above direction shall be complied with within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst. Registrar

/true copy/

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Sub Asst. Registrar.

To

The Branch Manager,
Indian Overseas Bank,
Koonimedu Branch,
E.C.R. Road,
Koonimedu - 604 303
Villupuram District.

Copy to

The Chief Manager,
Rapid Retail Centre,
Indian Overseas Bank,
No.240, 1st Floor,
Kadirkaman,
Pondicherry - 605 003.

+1cc to Mr.Y.Jyothish Chandar, Advocate, S.R.No.13143

RJ(CO)
CA(11/03/2015)

W.P.NO.3270 OF 2015