

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.5851 of 2015

J.Parthiban

... Petitioner

Vs

The Branch Manager
Indian Bank,
Chengalpattu Branch
No.7 GST Road
Chengalpattu 603 001

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS to direct the respondent Bank to sanction and disburse the educational loan of Rs.3,78,200/- to the petitioner for the entire academic years 2013 to 2017 as per the fee structure of the Institution for his B.E. Computer Application in Adhiparasakthi Engineering College, Melmaruvathur, Kancheepuram District.

For Petitioner : Mr.B.Rabu Manohar

For Respondent : Mr.T.Sundarrajan

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition praying for a direction to the respondent Bank to sanction and disburse the educational loan of Rs.3,78,200/- to enable him to undergo the B.E. Computer Application Course in Adhiparasakthi Engineering College, Melmaruvathur, Kancheepuram District.

2. The petitioner's case is that he applied for the education loan with the respondent Bank and his father was a co-applicant along with him. The petitioner's application was under the consideration of the respondent Bank. While so, all of a sudden, the petitioner's father died on 25.08.2014, on the date when the petitioner's father was directed to appear before the Branch Manager, Chengalpattu Branch. Subsequently the petitioner by representation dated 14.11.2014 requested for change of name of the co-applicant by substituting his mother's name in the place of the name of his father and to expeditedly process the loan. Since there was no progress, the petitioner appears to have given a complaint on 25.11.2014 to the higher authorities, for which, information was furnished stating that the petitioner has not submitted his loan application and that his sister also availed educational loan from Melamayur Branch and the petitioner's father M. Jagadeesan was employed in the Federal Bank and therefore, the respondent bank wants No Objection Certificate from Melamayur Branch and Federal Bank. In the light of the above facts, the petitioner is before this court by way of this writ petition.

3. The learned counsel for the writ petitioner submitted that without going to the controversy as to whether an application was filed by the petitioner earlier or not, the petitioner is ready and willing to furnish a fresh application, wherein he will apply as the applicant and his mother will be co- applicant.

4. The learned counsel for the respondent has instructions to state that if an application is filed, the same will be processed in accordance with the guidelines.

5. So far as the loan availed by the petitioner's sister is concerned, as she is undergoing the course, that cannot be an impediment for considering the petitioner's application. Furthermore, the question of obtaining No Objection Certificate from the Federal Bank also may not be essential since the scheme of sanctioning educational loan is as per the guidelines framed by the Reserve Bank of India and unless there is an allegation of default committed in the earlier loan, question of obtaining No Objection Certificate from the Federal Bank of India will also not arise.

6. In the light of the above facts, the petitioner is directed to approach the respondent Bank for issuance of an application form and submit the same furnishing full details and on receiving such application, the respondent Bank shall process the application in accordance with the guide lines and if all the parameters are satisfied by the petitioner and the co-applicant, the loan shall be

sanctioned to the petitioner, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of the loan application.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rg/dn

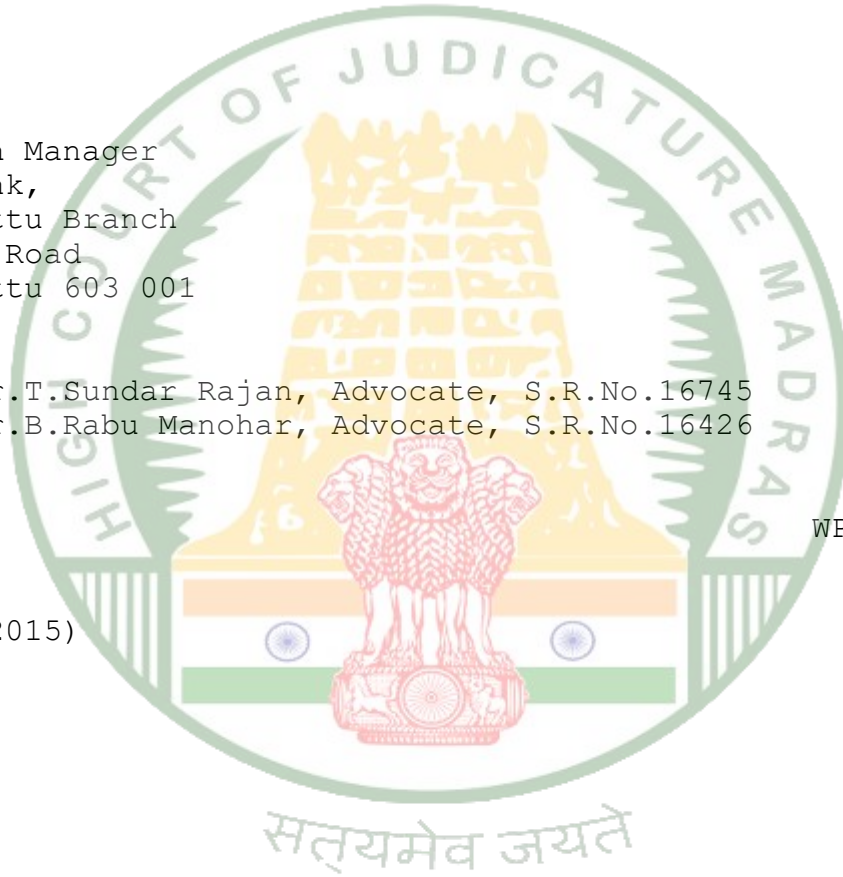
To

The Branch Manager
Indian Bank,
Chengalpattu Branch
No.7 GST Road
Chengalpattu 603 001

+1cc to Mr.T.Sundar Rajan, Advocate, S.R.No.16745
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.16426

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KSJ(CO)
CA(30/03/2015)



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