

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11292 of 2016

N.Devakar

... Petitioner

Vs.

1. M/s. Indian Overseas Bank,
rep. by General Manager,
No.763, Annasalai,
Chennai - 600 002.

2. M/s. Indian Overseas Bank,
rep. by Branch Manager,
Court Branch Extension,
Hasthampatti,
Salem - 7

3. Indian Overseas bank,
rep. by Regional Manager,
Regional Office, II Floor,
Junction Main Road,
Salem- 636 004

.... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to process and sanction the educational loan to the petitioner for the remaining course within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.N.Anand Venkatesh

For respondents : Mr. Benjamin George,
Respondents 1 to 3.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus respondents to process and sanction the

educational loan to the petitioner for the remaining course within a reasonable time as may be fixed by this Court.

3. The petitioner is studying MBBS Course at Prathima Institute at karim nagar, Andhrapradesh, which is affiliated to Dr.NTR University of Health Sciences, Vijayawada and recognized by the Medical Council of India, New Delhi. The petitioner has completed 12th standard and joined MBBS Course during March, 2011. He belongs to backward class community and hail from a very poor family. The petitioner has been seeking educational loan from the second respondent from the first year onwards. But, the second year, the second respondent bank refused to give an application form. The petitioner made a representation to the second respondent on 17.03.2014 stating that even application form for educational loan was refused to given to the petitioner. Though the particulars sought for by the second respondent by a letter dated 19.03.2014 has been furnished to the second respondent, there is no response from the bank.

4. Again, the petitioner approached the second respondent for educational loan during June,2014 and at that time also, the respondent bank refused to give an application form for educational loan. As per the IBA scheme, which was revised during 2012-2013, students admitted under the management quota should have obtained more than 60% and upto Rs.4,00,000/- bank could sanction loan without any security and on personal guarantee, if it exceeds Rs.4,00,000/-. Already the petitioner has filed W.P.No.20603 of 2014 before this Court and notice was ordered to the respondents and when the same was pending, the learned counsel for the respondents informed that he advised the bank to issue application form and the same was issued in the month of November, 2015. Though the application form was submitted in the month of November, 2015, thereafter also, there is no progress so far. Since the fees for the fourth year semester was not paid, he was not allowed to appear for the exams from 22.01.2016. The delay of processing the education loan by the respondent bank caused much irreparable loss to the petitioner. Therefore, the petitioner sent a representation dated 08.02.2016 narrating all the facts to the respondents. In spite of receipt of the same, the respondents have not taken any steps to sanction the loan to the petitioner. Hence, the petitioner has come forward with the present petition.

5. Heard the submissions of learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. The learned counsel for the respondents submits that the petitioner has not come forward to provide any collateral security over the immovable property or security and the petitioner is also having arrears in the first year

examination. Therefore, he is not entitled for the loan.

7. The learned counsel for the petitioner has denied the same and submitted that he is willing to fulfill all the requirements, thus he sought for suitable direction.

8. Considering the facts and circumstances, without going to the merits of the case, the petitioner is directed to approach the respondent bank along with a copy of this order within a period of one week from the date of receipt of a copy of this order. On such approach, the respondent bank is directed to issue an application to the petitioner within a period of one week thereon. Thereafter, the petitioner can submit the application to the respondent bank by duly filling it up the same with necessary particulars and on receipt of the said application, the respondent bank is directed to consider the same as per the rules and regulations, within a period of two weeks thereafter. This Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

9. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

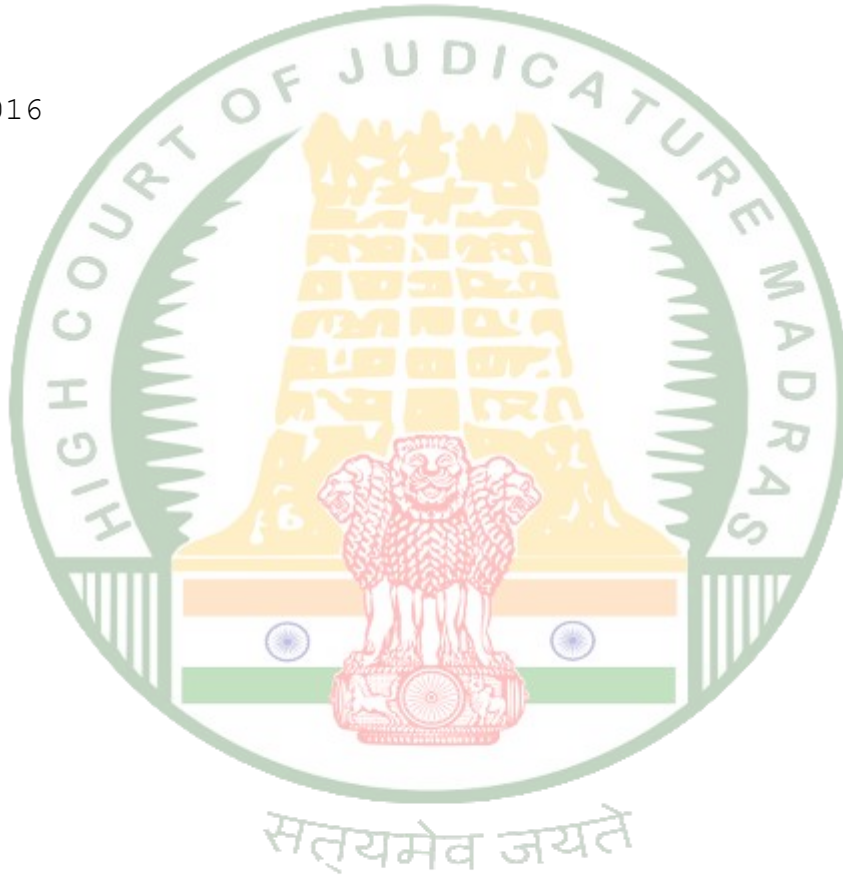
1. The General Manager,
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+1 cc to Mr.N.Anand Venkatesh Advocate sr.25613
+1 cc to F.B.Benjamin George Advocate sr.25597

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