

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2016

CORAM:

The Hon'ble Mr.Justice M.SATHYANARAYANAN

Writ Petition No.22232 of 2016

Minor P.Veerasithivinayagam,
rep. by his Natural Guardian
and Father, R.Pothiraj .. Petitioner

vs.

1. The Branch Manager,
Indian Bank,
Perungalathur Branch,
No.16/24, Srinivasaraghavan Street,
Perungalathur, Chennai South,
Chennai-600 063.

2. The Branch Manager of
Indian Overseas Bank,
Perungalathur Branch,
Perungalathur
Chennai-600 063. ... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of a Certiorarified Mandamus, to call for the records of the respondent in connection with the impugned order, dated 10.06.2016, quash the same and consequently, direct the respondent bank to sanction and disburse the educational loan of Rs.5,70,000/- to the petitioner for the same academic year as per the fee structure of the institution for the petitioner B.E.Mechanical Engineering at Dhanalakshmi Engineering College, Manimangalam, Tambaram taluk, Chennai-601 301.

For petitioner : Mr.M.Balasubramanian

For Respondents : Mr.Jeyesh B.Dolia for
M/s.Aiyar and Dolia - R1
No appearance for R2

O R D E R

This Writ Petition has been filed, praying for the issuance of a Writ of a Certiorarified Mandamus, to call for the records of the respondent in connection with the impugned order, dated 10.06.2016, quash the same and consequently, direct the respondent bank to sanction and disburse the educational loan of

Rs.5,70,000/- to the petitioner for the same academic year as per the fee structure of the institution for the petitioner B.E.Mechanical Engineering at Dhanalakshmi Engineering College, Manimangalam, Tambaram taluk, Chennai-601 201.

2. By consent of both parties, the Writ Petition itself is taken for final disposal.

3. According to the petitioner, he is a poor, downtrodden and belonging to weaker section and with great difficulty, he is providing education to his son, P.Veerassithivinaayagam, who got admission under the management quota in B.E.Mechanical Engineering for the academic year 2015-2019 in Dhanalakshmi Engineering College, Manimangalam, Kanchipuram District. The petitioner got admitted his son after making initial payment by raising funds from the money lenders with exorbitant rate of interest. However, in order to continue his studies and to sort out the financial crisis, the petitioner made an application to the first respondent bank, seeking grant of educational loan, along with bona fide certificate dated 19.10.2015 issued by the college regarding the details of fee and the amount required to sanction the loan, viz.,

S.N o.	Particulars	I year 2015-16	II Year 2016-17	III Year 2017-18	IV Year 2018-19
1	Tution Fee	70000	70000	70000	70000
2	Transport Charge	23000	23000	23000	23000
3	Food (For days scholar)	21500	21500	21500	21500
4	Soft Skills and personality development	6500	6500	6500	6500
	Notebooks, books, stationary and printing, Unit Test, Internal Exams.,	14000	14000	14000	14000
	Industrial visit, IIIC, Guest Lectures	2000	2000	2000	2000
	News letter, Magazine communication expenses, Association cultural	5500	5500	5500	5500
	TOTAL	142500	142500	142500	142500

4. The grievance of the petitioner is that though he made the above said application for grant of educational loan so as to enable his son to complete the studies, the said application has not been processed and when the petitioner approached the first respondent, he issued impugned proceedings, dated 10.6.2016. In such circumstances, the petitioner has approached this Court by way of present writ petition.

5. Learned counsel for the petitioner would submit that since the application has been submitted before the first respondent by complying with all formal procedures, there cannot be any impediment to the first respondent, to consider and sanction the loan to the petitioner so as to enable his son to complete the studies and come up in his life and hence, he seeks for issuance of appropriate orders.

6. Per contra, Mrs. Rita Chandrasekar, appearing for M/s. Aiyar and Dolia, standing counsel for the first respondent would submit that it is for the nodal agency/second respondent, who has been suo motu impleaded on 11.7.2016, to process the said application and if the said application is otherwise in order, the first respondent will grant educational loan to the petitioner.

7. Though the name of the second respondent appears in the cause list, there is no representation on their behalf.

8. Heard the learned counsel appearing for both sides and perused the material available on record.

9. The fact remains that the Finance Ministry, Government of India, taking note of the difficulties undergone by the students hailing from poor, downtrodden communities, thought it fit to direct the nationalized banks to extend loan facilities to the needy students. It can be seen from the affidavit filed in support of the writ petition, the petitioner is a poor, downtrodden and belonging to weaker section and according to him, in the event of his son completes the Engineering, he would be the first Engineering Graduate from his family and with great difficulty, he got the admission in the above said college under the management quota and in order to continue his studies, the petitioner is in requirement of the loan. Therefore, in all fairness, in my considered opinion, the first respondent ought to have processed the application and granted the educational loan to the petitioner without making him to approach this Court. Further, the first respondent ought not to have also insisted upon the processing of the application through the second respondent and however, denied the loan on that hyper-technical ground.

In the light of the above said reasons, the Writ Petition is partly allowed and the order, dated 10.6.2016 passed by the first respondent, is hereby set aside. Consequently, the first respondent is directed to process the application submitted by the petitioner for sanction of educational loan to his son, in accordance with relevant norms and regulations, within a period of three weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Suk

To

1. The Branch Manager,
Indian Bank,
Perungalathur Branch,
No.16/24, Srinivasaraghavan Street,
Perungalathur, Chennai South,
Chennai-600 063.

2. The Branch Manager of
Indian Overseas Bank,
Perungalathur Branch,
Perungalathur
Chennai-600 063.

+1cc to M/s. Aiyar & Dolia, Advocate, S.R.No.42824
+1cc to Mr.Balasubramanian, Advocate, S.R.No.42321

MG(CO)
EU(01/08/2016)

W.P.NO.22232 OF 2016