

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.34838 of 2016

R.Thennarasu

.. Petitioner

- Vs -

The State Bank of India,
Rep by its Branch Manager,
Bajanai Koil Street,
Guruvarajapalayam,
Vellore District.

.. Respondent

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter dated 18.08.2016 of Misc.No.2 issued by the respondent bank and quash the same and consequently direct the respondent bank of grant educational loan to the petitioner.

For Petitioner : Mr.A.Ruth Celestina

For Respondents : Mr.Amuthan Mandela for
Ramalingam Associates

O R D E R

The writ petition has been filed challenging the impugned order of the respondent dated 18.08.2016 refusing to grant education loan to the petitioner.

2. According to the petitioner, he intends to do Ph.D in Wroclaw University at Poland and he applied for education loan in the respondent bank. According to the petitioner, the respondent has rejected his loan application on the following grounds:

(i) The academic qualification of Mr.Thennarasu is not satisfactory for a foreign student.

(ii) The meritorious ranking / score in the selection process like GRE, TOEFFEL has not been submitted.

(iii) The house property offered as collateral security does not have title deeds for creating equitable mortgage.

(iv) Besides taking into account the overall tenure and liability of the loan, the value of the security offered is also inadequate."

3. The learned counsel for the petitioner would contend that the petitioner is prepared to give the relevant documents and also rectify the mistakes in the documents. With regard to security, he is prepared to offer further security and therefore seeks quashing of the impugned order of the respondent dated 18.08.2016.

4. The learned counsel for the respondent would contend that since the loan amount is huge and there are defects in the document, they have rejected the loan application of the petitioner and sought for the dismissal of the writ petition.

5. Heard both the parties.

6. Even if the document is defective, the authority concerned should have given an opportunity of hearing before rejecting the loan application. Here, no opportunity was given and no notice was issued calling upon the petitioner to rectify the mistake in the documents.

7. In the light of the above, the writ petition is allowed and the impugned order is set aside and the matter is remanded back to the authority concerned. The petitioner shall approach the authority concerned for rectifying the defects, if any and for offering any further security and when such documents are produced, the respondent will consider the same in accordance with law and pass appropriate orders within a period of three weeks thereafter as the visa of the petitioner expires in January, 2017. No costs.

WEB COPY
-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Branch Manager,
State Bank of India,
Bajanai Koil Street,
Guruvarajapalayam,
Vellore District.

+1 cc to Mr.C.P.Sivamohan Advocate sr 71347
+2 ccs to M/s.Ramalingam Advocate sr 71558

W.P.No.34838 of 2016

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