



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.18893 of 2015

and

M.P. (MD) No.1 of 2015

R.Muthu

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Branch Manager,
Lead Bank, Indian Overseas Bank,
Sivagangai.

3.The Branch Manager,
Central Bank of India,
No.4/166, Aravind Complex,
Main Road, Kollengudi, Alagapurai Post,
Kalayarkovil Taluk, Sivagangai District.

(R3 is impleaded as respondent vide order dated 01.12.2015 in M.P.
(MD) No.2 of 2015) ... Respondents

Prayer: The Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the education loan of Rs.1,15,700/- for the current academic year 2015-2016 and Rs.1,10,700/- each for the academic years 2016- 17, 2017 - 18 and 2018-19 respectively, within a reasonable time.

For Petitioner : Mrs.K.R.Shivashankari
For Respondents : Mr.N.S.Karthikeyan, AGP for R1
Mr.N.Dilip Kumar for R2
Mr.R.Pandivel for R3

O R D E R

This Writ petition has been filed to issue a Writ of Mandamus, directing the respondents to sanction the educational loan for the academic year 2015 - 2016 , 2016 - 2017, 2017 - 2018 and 2018 - 2019 within a time frame.

2.The only point raised by the petitioner is the educational loan has not been considered by the respondent / Bank and as a student, he is entitled for the same.



3.The learned counsel appearing for the respondents 2 and 3 on instruction submitted that the petitioner's father had availed an agricultural loan. However, he has not repaid the same and hence, his name has been included in the defaulter list. In this regard, a suit has been filed for recovery of money and the same pending. He further submitted that the sister of the petitioner obtained educational loan for studying B.Sc. Nursing and after availing the same, till date dues were not paid. Thereafter, she was sanctioned with educational loan for studying M.Sc. Nursing and even that loan amount has not been repaid till date. Further, he submitted that the brother of the petitioner has also obtained educational loan for studying Engineering course and the installment will start from April 2016 onwards. In these circumstances, the respondent Bank is unable to sanction educational loan to the petitioner.

4.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5.Once a person's name is included in the defaulter, list he is not entitled for availing any further loan in any other bank as per the norms of the RBI. Therefore, the educational loan sought for by the petitioner has rightly been rejected by the respondent Bank. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

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Kalayarkovil Taluk,
Sivagangai District.



+One CC Special Government Pleader in SR.No. 9783
+One CC to Mr.R.Pandivel Advocate in SR.No.8980
+One CC to Mr.N.Dilip Kumar Advocate in SR.No.9105
+One CC to Mr.S.Srinivasa Raghavan Advocate in SR.No.9069

CN/SKN-SK/18.03.2016/3P-8C

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and
M.P. (MD) No.1 of 2015**

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