



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.5405 of 2015

and

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

S.Syed Thaha

... Petitioner

Vs.

1. The Chief Manager,
Indian Overseas Bank,
Advances Department,
Regional Office,
Dindigul District.

2. The Branch Manager,
Indian Overseas Bank,
Thamaraikulam Branch,
Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in RO/ADV/11/2014-15 dated 09.03.2015 and quash the same and consequently, direct the respondents herein to disburse the educational loan of Rs.94,890/- (Rupees Ninety Four Thousand Eight Hundred and Ninety only) each, for the three years course of LLB at Al-Azhar Law College, Thodupuzha, Kerala from 2014-15 to 2017-18 within a reasonable time.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.M.Senthil Kumar

O R D E R

The writ petition has been filed for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in RO/ADV/11/2014-15 dated 09.03.2015 and quash the same and consequently, direct the respondents herein to disburse the educational loan of Rs.94,890/- (Rupees Ninety Four Thousand Eight Hundred and Ninety only) each, for the three years course of LLB at Al-Azhar Law College, Thodupuzha, Kerala from 2014-15 to 2017-18 within a reasonable time.



2. According to the petitioner, he belongs to Backward Community and he is suffering 48% vision disability. The petitioner has completed B.Com., in June 2014 and he secured 49.74% marks. Thereafter, he Joined L.L.B., Course at Al-Azhar Law College, Thodupuzha, Kerala in the academic year 2014-15. When the petitioner approached the respondents Bank for availing educational Loan, the first respondent passed the impugned order dated 09.03.2015, rejecting the request of the petitioner on the ground that he has secured only 49.74% of marks in the U.G. course.

3. The learned counsel for the petitioner submitted that the Bank cannot refuse education loan to the petitioner stating that he has not secured minimum mark of 60%. In support of his contention, the learned counsel for the petitioner relied on the decision of the Division Bench of this Court in *Branch Manager, Indian Overseas Bank v. A.Ravi* reported in 2014(4) CTC 363.

4. The learned counsel for the respondents Bank submitted that the petitioner has secured only 49.74% of mark in the U.G. course and hence, the first respondent has rejected the request of the petitioner, however, now they are preparing to grant educational loan to the petitioner only for the current year.

5. At this juncture, learned counsel for the petitioner requests to grant educational loan to the petitioner for two years, as the petitioner is studying second year and he is coming from a poor family.

6. Considering the facts and circumstances of the case and also taking note of the submissions made on either side, the Writ Petition is allowed and the impugned order passed by the first respondent, dated 09.03.2015 is set aside. The respondents are directed to consider the educational loan to the petitioner for two years also as they have already agreed to give for one year within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Manager, Indian Overseas Bank,
Advances Department, Regional Office, Dindigul District.
 2. The Branch Manager, Indian Overseas Bank,
Thamaraikulam Branch, Periyakulam Taluk, Theni District.
- +One cc to Mr.M.Senthil Kumar, Advocate, SR.No.8350
+One cc to Mr.K.Appadurai, Advocate, SR.No.8631