



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL**Writ Petition (MD)No.10650 of 2016****and****W.M.P. (MD)NO.8265 of 2016**

S.Nageshwari

... Petitioner

Vs.

The State Bank of India
rep. By its Branch Manager,
Manamadurai Branch,
Manamadurai.

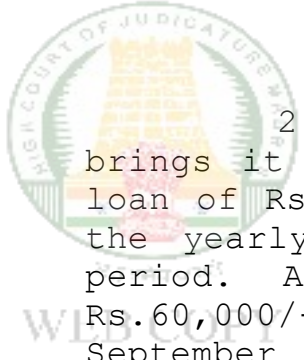
... Respondent

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondent bank to immediately disburse forthwith to the petitioner the installments of educational loan sanctioned to the petitioner and payable for the years 2014 & 2015 and to direct the respondent bank to promptly release to the petitioner the further remaining installments as and when they are payable without any further delay.

For Petitioner	: Ms.J.Maria Roseline
For Respondent	: Mr.S.Sethuraman

ORDER

According to the petitioner, she is pursuing her Bachelor of Siddha Medicine & Surgery at Velumailu Siddha Medical College & Hospital, Sriperumbudur, Kanchipuram District. The period of course of study comprises of 3 semesters with each semester period of 1½ years and thereafter 1 year internship course, as such, the course period of B.S.M.S is 5 ½ years. The stand of the petitioner is that she hails from a very poor family and although she was able to secure admission to BSMS course, she was unable to meet the expenses relating to her tuition fees, hostel and boarding expenses. As such, she applied for educational loan before the Respondent/State Bank of India, Manamadurai Branch, Manamadurai, Sivagangai District and the Respondent/Bank sanctioned a sum of Rs.3,00,000/- (Rupees Three Lakhs only) as educational loan.



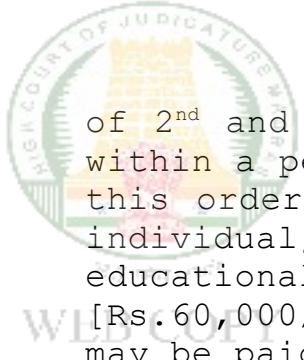
2. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that the said educational loan of Rs.3 lakhs was to be released by the Respondent/Bank in the yearly installment of Rs.60,000/- each for the 5 ½ course period. As a matter of fact, the first installment of loan viz., Rs.60,000/- was paid to the petitioner during the month of September 2013 in her Loan Account No.32348355430. Indeed, the petitioner had paid her tuition fee for the first semester and completed the first semester during the month of August 2014. But, in respect of the subsequent installments for the years 2014 & 2015, the Respondent/Bank had not released the installment amounts.

3. The Learned Counsel for the Petitioner proceeds to state before this Court that because of the non-payment of second semester fees, the petitioner was not allowed to write her 2nd semester examination during the month of February 2016 and now, the petitioner is studying in her 3rd semester.

4. The Learned Counsel for the Petitioner emphatically contends that the petitioner, who hails from a poor family, is unable to meet her educational expenses, since there is a looming possibility for discontinuation of her course of study for want of necessary resources/funds. Also that, since the Respondent/Bank had not released the 2nd and 3rd installments of educational loan, the petitioner has not paid the tuition fees for the 3rd semester. Moreover, the 2nd year semester examination would be held in the month of August 2016 and if the Respondent/Bank releases the installments of educational loans payable for the years 2014 & 2015, at least by now, the petitioner will be in a position to sit for the 2nd year examination, in the month of August 2016.

5. On behalf of the Respondent/Bank, it is submitted before this Court that the Respondent/Bank will look into the case of the petitioner, in the subject matter in issue, as expeditiously as possible and would take necessary steps to do the needful.

6. On a careful consideration of the entire conspectus of the facts and circumstances of the present case, in a categorical manner and also this Court, bearing in mind a primordial fact that the petitioner was sanctioned educational loan of Rs.3 lakhs by the Respondent/Bank in the yearly installment of Rs.60,000/- each for the 5½ years course period and also that the first installment of educational loan of Rs.60,000/- was paid to the petitioner in the month of September 2013 in her loan account, this Court, to prevent an Aberration of Justice and to promote the Substantial Cause of Justice, directs the State Bank of India, ~~seize the loan account~~ the Branch Manager, Manamadurai Branch, Manamadurai to look into the case of the petitioner with all seriousness and earnestness and to take necessary steps for expeditious disposal



of 2nd and 3rd installments of Rs.60,000/- each to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Furthermore, since the petitioner is said to be an individual, who hails from poor family and unable to meet her educational expenses, 2nd and 3rd installments of educational loan [Rs.60,000/- (Rupees Sixty Thousand) each], due to the petitioner may be paid to the petitioner, within the time stated supra.

7. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

The Branch Manager,
State Bank of India, Manamadurai Branch, Manamadurai.

+1 cc to M/s.J.Maria Roseline, Advocate in SR.No.35066

+1 cc to M/s.S.Sethuraman, Advocate in SR.No.34968

VS

CSL/ARK-PV/SAR-I/13.07.2016 : 3P/4C

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