



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.08.2016
CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P(MD)No.6333 of 2016

WEB COPY

V.Gopika

... Petitioner

Vs.

The Branch Manager,
State Bank of Tiruvancore,
Kannumamoodu Branch,
Palukal Post,
Kanyakumari District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondent to disburse educational loan to the petitioner by considering the representation of the petitioner, dated 25.01.2016, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.A.Thiyagarajan for
Mr.Pala.Ramasamy

ORDER

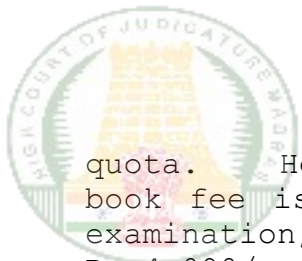
Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondent/Bank.

3. According to the Petitioner, she hails from an agricultural family and his father is doing an agricultural work. Further, the income derived from the agricultural work of his father is not sufficient to run the family and therefore, her father could not pay the fee to the College. Apart from that, her father's agricultural work is a seasonal one. Therefore, they are living under poverty.

4. The version projected by the Petitioner is that she belongs to Hindu Checkala Community and from her childhood, she had an inspiration to become a Nurse to serve the poor and needy, who are suffering from ailments. She had scored 408 marks out of 500 in her 10th standard Board Examinations. She had also completed her 12th standard at Sree Devi Girls Higher Secondary School, Kollemcode and secured 844 marks out of 1200 marks, which is 70.33%.

5. The Petitioner had applied for B.Sc., Nursing course and secured admission at Thasiah College of Nursing, Marthandam, Kanniyakumari District. After considering her eligibility, the management of the said College, during the academic year 2015-2016. The Course would come to an end in the year 2019. She had admitted in the management

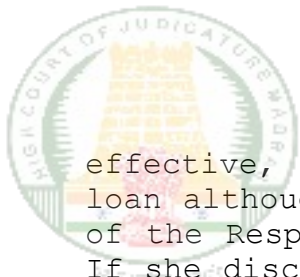


quota. Her tuition fee for the 1st year is Rs.45,000/-, uniform and book fee is Rs.10,000/-, hostel and mess fees is Rs.62,400/-, medical examination, registration, stationery etc., is Rs.3,000/-, exam fee is Rs.4,000/- and the tuition fee for the 2nd year is Rs.45,000/-, uniform and book fee is Rs.10,000/-, hostel and mess fee is Rs.62,400/-, medical examination, registration, stationery etc., is Rs.3,000/-, exam fee is Rs.4,000/-, and the tuition fee for the 3rd year is Rs.45,000/-, uniform and book fee is Rs.10,000/-, hostel and mess fee is Rs.62,400/-, medical examination, registration, stationery etc., is Rs.3,000/-, exam fee is Rs.4,000/- and tuition fee for the 4th year is Rs.45,000/-, uniform and book fee is Rs.10,000/-, hostel and mess fee is Rs.62,400/-, medical examination, registration, stationery etc., is Rs.3,000/-, exam fee is Rs.4,000/-. In all, she has to pay a total sum of Rs.4,97,600/-, for completing the whole Course.

6. The real grievance of the Petitioner is that she does not have requisite means to pay the College Fee in respect of her studies and therefore, she approached the Respondent/Bank, to sanction and disburse the Educational Loan. She personally, visited the Respondent/Bank along with her father on numerous occasions and submitted all the Certificates. After verifying the Certificates furnished by her, the Respondent/Bank, informed that they would call her. However, they had not provided her the Loan Application. After her representation, on 05.02.2016, she was given the Application Form and she filled up the same and submitted to the Respondent/Bank with the documents demanded with the fond hope that they would sanction and disburse the Educational Loan to her. Besides this, the Branch Manager made her to run from pillar to post under the guise of sanctioning Educational Loan.

7. At this stage, the Learned Counsel for the Petitioner emphatically projects an argument that persons, who lent money to the Petitioner's father for payment of 1st year fees, are pressurizing him to re-pay the amount and if the Educational Loan is not sanctioned, then, the Petitioner is left with no option to quit the College and to discontinue the Course. Moreover, it is represented on behalf of the Petitioner that criteria for sanction of the Educational Loan is that an Applicant must be a bonafide student of the College and Object of the Scheme for Educational Loan is that, poor and meritorious students ought not to have discontinued their studies due to poverty.

8. In this connection, the Learned Counsel for the Petitioner seeks in aid of the Notification issued by the Central Bank, namely, Reserve Bank of India Notification No.RBI/2012-13/291, dated 09.11.2012, wherein it was mentioned that all the Banks, are not to reject any Educational Loan Application, for the reason that the residence of the borrower, does not fall under the Bank's service area and in spite of the fact that the Petitioner had approached the Respondent/Bank on numerous occasions in regard to disbursement of Educational Loan, the Respondent/Bank had not sanctioned the same. Also that, as per the direction of the Respondent/Bank, she had produced the attested copies of 10th and 12th standard Mark Statements, Community Certificate, Admission Letter, Bonafide Certificate and in spite of the fact that all the documents were received, the Respondent/Bank, had not taken



effective, efficacious and diligent steps to disburse her educational loan although several months have rolled by. Because of the activities of the Respondent/Bank, she is not in a position to continue her study. If she discontinue her studies, her entire career would be in jeopardy. She has also sent a representation to the Respondent on 25.01.2016 and the Respondent after receipt of the same, had not taken any steps to disburse the Educational Loan. Hence, she has filed the present Writ Petition.

9. At this state, the Learned Counsel for the Respondent/Bank brings it to the notice of this Court that the Petitioner has to fill up the Educational Loan Application in a Prescribed Format and added further, the Respondent/Bank would consider the Petitioner's representation, within a reasonable time to be fixed by this Court.

10. Considering the Petitioner's plight and also the fact that her father had paid the 1st year fee after securing loan from others and now they are pressurizing her father to re-pay the amount and etc., this Court on Humanitarian and Sympathetic consideration and also in the Interest of Justice, Fair play, Good Conscience and even as a matter of prudence, directs the Respondent/Branch Manager, State Bank of Tiruvancore, Kannumamoodu Branch, Palukal Post, Kanyakumari District, to look into the representation of the Petitioner, dated 25.01.2016, with all seriousness and dispose of the same, within a period of one week from the date of receipt of a copy of this order.

11. In case the Petitioner/Applicant is to fill up the necessary Loan Application in a Prescribed Format, as required by the Respondent/Bank, then, it is open to the Respondent/Bank to inform about the same to the Petitioner and in this regard, the Petitioner is directed to take steps without any loss of time. Thereafter, it is incumbent on the part of the Respondent/Branch Manager, State Bank of Tiruvancore, Kannumamoodu Branch, Palukal Post, Kanyakumari District, to pass a reasoned speaking order on the basis of the representation of the Petitioner, within a period of two weeks thereafter.

12. In case, if the Respondent/Bank comes to an inevitable and irresistible conclusion that the Petitioner is fulfilling the eligibility and other requirements for obtaining Educational Loan, then, the Respondent/Bank, is to sanction educational loan to the Petitioner, subject to the Instructions/Directives issued by the Central Bank by adhering to the Guidelines issued by the Indian Banks Association (in respect of Model Educational Loan Scheme), as expeditiously as possible, with a view to shower the benefits on the Petitioner, so as to enable her to enjoy the fruits of the Educational Loan Scheme, offered by the Respondent/Bank and the Central Government.

With the above observations, this Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar(AS)



To

The Branch Manager,
State Bank of Tiruvancore,
Kannumamoodu Branch,
Palukal Post,
Kanyakumari District.

+1cc to M/S.Pala.Ramasamy, Advocate in SR.No.41433

+1cc to M/S.S.C.Herold Singh, Advocate in SR.No.41371

W.P (MD) No.6333 of 2016

02.08.2016

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