



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.6600 of 2016

S.K.Ashli Mol

... Petitioner

Vs.

The Branch Manager,
Indian Overseas Bank,
Attoor Branch,
Attoor 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 the educational loan of Rs.4,97,600/- to the petitioner to pursue her studies by considering the representation of the petitioner, dated 01.02.2016, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.N.Dilip Kumar

O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. According to the Petitioner, she hails from an agricultural family and his father is working as a Coolie. Her father will work as Coolie whenever the people is in need of his service in this regard. As such, her father will get an income only for the days he works. Therefore, they are living under poverty. Further, the income so derived from the coolie work of her father, is not sufficient to run the family and as such, her father is unable to pay her fee to the College, in respect of her studies.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The stand of the Petitioner is that in her 10th standard Board Examinations, she had scored 289 marks out of 500 marks.



Since she had no means to pay fees, she joined Higher Secondary Course in the Government Higher Secondary School, Marthandam and completed her 12th standard by scoring 693 marks out of 1200. She had applied for B.S.C., Nursing Course and allotted to Thasiah College of Nursing, Marthandam, Kanniyakumari District. After considering her eligibility, the management of the said College instructed her to join the course and she joined in the said College, during the academic year 2015-2016. The Course would come to an end in the year 2018.

5. The clear-cut case of the Petitioner is that for completing the B.Sc., Nursing Course in the said College, she has to pay a total sum of Rs.4,97,600/- and she does not have the wherewithal and necessary resources to pay the quantum of aforesaid fee and therefore, she approached the Respondent/Branch Manager, Indian Overseas Bank, Attoor Branch, Attoor Post, Kanyakumari District, for sanction of Educational Loan. Her Certificates were verified by the Respondent/Bank, who informed her that they would sanction and disburse the Educational Loan, but the fact of the matter is, the Respondent/Bank till date, has not sanctioned her Educational Loan.

6. At this stage, the Learned Counsel for the Petitioner takes a categorical plea that criteria for an Applicant to avail Educational Loan is that the Applicant must be a bonafide student of a College and the main Object of the Scheme for Educational Loan is that, poor and meritorious students, should not discontinue their studies, due to poverty.

7. Moreover, the Central Bank, namely, Reserve Bank of India in their Notification No.RBI/2012-13/291, dated 09.11.2012, had advised all the Banks 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. Since the Petitioner's Educational Loan is not yet sanctioned by the Respondent/Bank, she has filed the present Writ Petition seeking for passing of an order by this Court in directing the Respondent to disburse the Educational Loan of Rs.4,97,600/- to her for the purpose of pursuing her studies by considering her representation, dated 01.02.2016, within a time frame to be determined by this Court.

8. In response, it is the submission of the Learned Counsel for the Respondent/bank that the Petitioner is a mediocre student having scored just about 57% of marks in her 10th and 12th standard qualifying examinations and the fee is heavily loaded under each head and in fact, the Petitioner had not submitted the Loan Application till date along with desired details/documents and therefore, the Respondent/Bank is not responsible for the delay that had occurred in respect of sanctioning of Educational Loan in



question.

9. The Learned Counsel for the Respondent/Bank brings it to the notice of this Court that the Respondent/Bank Branch, was opened in the year 2012 and so far Educational Loan to the tune of Rs.2.14 crores was sanctioned benefitting 129 students and these details would amply prove the priority and importance being attached to the Education by the Respondent/Bank even to students hailing from remote villages like Chinna Kattu Villai.

10. Considering the fact that the Petitioner's representation, dated 01.02.2016, is pending on the file of the Respondent/Branch Manager, Indian Overseas Bank, Attoor Branch, Attoor Post, Kanyakumari District, without any progress or disposal, at this stage, this Court without expressing any opinion on the merits and contention of the Representation of the Petitioner and not dwelling deep into the same, by keeping in mind a primordial fact that Education is a National Wealth and since the Educational Loan is amounting to Rs.4,97,600/- for her B.Sc., Nursing Course and she being a bonafide student of Thasiah College of Nursing, Marthandam, Kanniyakumari District, at this stage, this Court in the interest of Justice, Fair play, Good Conscience and even as a matter of prudence, directs the Respondent/ Branch Manager, Indian Overseas Bank, Attoor Branch, Attoor Post, Kanyakumari District, to look into the representation of the Petitioner, dated 01.02.2016, 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. Thereafter, the Respondent/Bank is to pass a reasoned speaking order on merits by outlining the reason in a qualitative and quantitative manner, of course, after providing opportunity to the Petitioner and others concerned, within a period of three weeks, thereafter.

11. In case, the Respondent/Bank comes to an irresistible conclusion that the Petitioner is very well eligible to avail Educational Loan in question, then, the Respondent/Bank shall require the Petitioner to fill up the requisite Educational Loan Application in a prescribed Format together with necessary documents and to do the needful by taking note of the plight of the Petitioner.

12. Before parting with the case, the Respondent/Branch Manager, Indian Overseas Bank, Attoor Branch, Attoor Post, Kanyakumari District, is to adhere to the Instructions/Directives issued by the Central Bank/Reserve Bank of India from time to time and further, the Respondent Bank is to adhere to the Guidelines issued by the Indian Banks Association in respect of Model Educational Loan Scheme, 2015 or subsequent Model Loan Scheme or the up-dated Model Educational Loan Scheme, if any.



With the above Directions and Observations, this Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar(AS)

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Sub Assistant Registrar.

To
The Branch Manager,
Indian Overseas Bank,
Attoor Branch,
Attoor Post,
Kanyakumari District.

+1CC to M/S.N.Dilip Kumar, Advocate, SR.No. 41632
+1CC to M/S.S.C.Herold Singh, Advocate, SR.No. 41372

W.P(MD)No.6600 of 2016
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