



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.9534 of 2016

K.Neelavathi

... Petitioner

Vs.

The Manager,
UCO Bank,
Salai Road Branch (1593)
Trichy-3.

... Respondent

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the Respondents to grant educational Loan to the Petitioner for a sum of Rs.2,62,200/- (Rs.65,550/- x 4 years) (Rupees Two Lakhs Sixty Two Thousand and Two Hundred only) pursuant to the application dated 03.02.2016 and to pass such further or other orders as this Hon'ble Court may deem fit.

For Petitioner
For Respondent

:Party in Person appeared
:Mr.K.Periasamy

O R D E R

Petitioner's father has been heard by this Court. Further, this Court has also heard the Learned Standing Counsel appearing for the respondent/Bank.

2. The petitioner has projected the present writ petition before this Court praying for passing of an order in directing the respondent/Bank to sanction/grant education loan to her for a sum of Rs.2,62,200/-, pursuant to her application dated 03.02.2016. In the affidavit of the petition, it is clearly mentioned that the petitioner is studying in I year B.E Course (Computer Science and Engineering Branch) in 'K.Ramakrishnan College of Engineering, Trichy' and her father is not able to pay the fees to the college and the duration of course of B.E is eight semesters in four years and the college fee to be paid is Rs.2,62,200/- (Rs.65,550/- x 4 years).



3. It comes to be known that the petitioner is in need of education loan from the respondent/Bank and in this regard, she obtained the bonafide certificate from the college and the college had issued the certificate on 10.08.2015. It appears that she along with her father approached the respondent/Bank on 03.02.2016 and submitted an application together with bonafide certificate with the details of the fee. Till date, the said application is pending. Hence, the petitioner has projected the present writ petition seeking necessary relief thereto.

4. The Learned Counsel for the Respondent/Bank submits that the petitioner is not entitled for reimbursement of fee paid by her prior to one year, when the fault is on her part in not presenting the loan application within the reasonable time from 31.07.2015. In fact, she had presented the loan application to the respondent only on 11.02.2016, during the end of the completion of the first year course, according to her will, pleasure, whim and fancy.

5. The Learned Counsel for the Respondent/Bank brings it to the notice of this Court that the petitioner's co-applicants for availing the education loan are her father Mr.Kishore Kumar and mother Mrs.Geetha. In fact, the petitioner's father had approached the respondent/Bank only in the second week of February 2016 for availing the education loan by stating that the petitioner has already joined in the college and first year fee was already paid and she is about to complete the I year course. As such, the respondent/Bank had informed the petitioner's father that if the petitioner is eligible for education loan, the same can be from the second year onwards and asked him to submit education loan application in the month of April or May 2016 and an education loan application was given to him for filing/submitting the same. In fact, the petitioner's father submitted the loan application on 11.02.2016 before the respondent/Bank.

6. The Learned Counsel for the Respondent/Bank proceeds to state that on enquiry, the petitioner's father is dealing with ICICI Bank, Axis Bank and State Bank of India for more than 5 years and they refused to give education loan to the petitioner namely K.Neelavathi. When the Respondent Bank asked the petitioner's father whether he has availed any credit facilities from the above Banks, he replied that he had not availed any loans from any Banks. Then only, the respondent Bank had started processing the loan application for sanction, which is under progress. Also that in the statement of means report, the petitioner's father declared that he had not availed any loan facility from any Bank. But as another part of loan processing, the respondent Bank took CIBIL report of the petitioner's father and found that the petitioner's father was in overdue loan position account in ICICI Bank and another loan account in Axis Bank was



settled through return of settlement. Thereafter, the respondent/Bank had sent the subject matter to higher authorities for getting clarification and asked the petitioner to go to the Bank on or after 18.05.2016. However, the petitioner has approached this Court on 24.05.2016, without approaching the respondent/Bank.

7. The Learned Counsel for the Respondent brings it to the notice of this Court that the petitioner is eligible for 3rd year and 4th year education loan and further that the respondent/Bank is ready and willing to process her application and to proceed further in the subject matter in issue as expeditiously as possible.

8. Taking note of the fact that the respondent/Bank has fairly submitted before this Court through its Standing Counsel that the petitioner is eligible to get education loan in respect of 3rd and 4th year of her B.E Course, this Court, at this stage, directs the respondent/Bank to look into the loan application of the petitioner, dated 11.02.2016, within a period of two weeks from the date of receipt of copy of this order and to proceed further in the subject matter in issue by doing the needful in favour of the petitioner, since the matter relates to one of petitioner's education, which is considered to be a national wealth and to proceed further in the manner known to Law and in accordance with Law and also as per rules and regulations of the Bank, which are in force from time to time.

9. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

VS

To

The Manager,UCO Bank,
Salai Road Branch (1593),Trichy-3.

+1CC to Mr.V.Illanchezian, Advocate SrNo.36535

+1CC to Mr.P.T.S.Narendravasan, Advocate Sr.No.36601

GJM/ARK/PV/25.7.16-3p-4c

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