

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2017

CORAM

The Honourable MR. JUSTICE M. DURAISWAMY

W.P.No.4320 of 2017

C.Sathish

...Petitioner

Vs

The Branch Manager,
Indian Bank,
1/60-A2, Main Road,
Kariyamangalam,
Chengam Taluk,
Tiruvannamalai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the Letter dated 17.10.2016 issued by the respondent quash the same and consequently direct the respondent to process the Loan Application dated 9.9.2016 submitted by the petitioner and grant the financial aid as sought for therein within a time frame as may be fixed by this Honourable court.

For Petitioner : Mr. R.Nagasundaram

For Respondent : Mrs. Rita Chandrasekar

ORDER

Mrs.Rita Chandrasekar, learned counsel takes notice for the respondent.

2. By consent, the main writ petition itself is taken up for final disposal.

3. The petitioner has filed the above writ petition to issue a certiorarified mandamus to call for the records pertaining to the Letter dated 17.10.2016 issued by the respondent and to quash the same and consequently direct the respondent to process the Loan Application dated 9.9.2016 submitted by the petitioner and grant the financial aid as sought for therein within a time frame.

4. By the impugned letter dated 17.10.2016, the respondent Bank declined to approve educational loan to the petitioner for the reason that the academic record of the student is not satisfactory. The impugned letter of the respondent is against the dictum laid down by this Court in the case of Indian Overseas Bank vs. A.Ravi reported in 2014(4) CTC 363. If the petitioner is otherwise eligible to obtain the loan, the respondent Bank should sanction the educational loan to the petitioner.

5. Since the impugned letter dated 17.10.2016 has been issued against the settled position of law, the same is liable to be set aside. Accordingly, the impugned letter dated 17.10.2016 is set aside and the respondent Bank is directed to consider the petitioner's application and sanction the educational loan, as sought for by the petitioner, if he is otherwise eligible to obtain the same, within two weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is allowed.
No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

The Branch Manager,
Indian Bank,
1/60-A2, Main Road,
Kariyamangalam,
Chengam Taluk,
Tiruvannamalai District.

+1cc to M/s.Aiyar & Dolia, Advocate Sr.20324
+1cc to Mr.R.Nagasundaram, Advocate Sr.19603

W.P.No.4320 of 2017

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srg 13/04/2017