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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9637 of 2017

P.Jayaraman

... Petitioner

Versus

1.The Branch Manager,
State Bank of India,
Sundarampalli Branch,
Thiruppathur,
Vellore District.

2.The Chief Manager,
State Bank of India,
Sundarampalli Branch,
Thiruppathur,
Vellore District.

3.The Regional Manager,
State Bank of India, Vellore,
Vellore District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent Bank to sanction and disburse the educational loan for a sum of Rs.10,11,030/- to the petitioner for the first 3 academic years of 2012-2013, 2013-2014, 2014-2015 as per the fee structure of the institution for her M.D. in Volgograd State Medical University, 1, Pavshikhboarsov Sq., Volgograd 400 131, Russia based on the application dated 11.09.2013.

For Petitioner : Mr.R.Vasudevan

For Respondents : Mr.K.Chandrasekaran for R1&R2

ORDER

The petitioner seeks for a direction to the 1st respondent / Bank to sanction and disburse the Educational Loan for a sum of



Rs.10,11,030/- to the petitioner for the first 3 academic years of 2012-2013, 2013-2014, 2014-2015, as per the fee structure of the Institution for her medical course, based on her application dated 11.09.2013.

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2. The petitioner's daughter, by name Parimala, after completing her higher secondary course in the academic year 2011-2012, got admission in a medical course at Russia in the academic year 2012-2013. In order to meet out the expenses towards her education, the petitioner approached the 1st respondent / Bank and sought for educational loan. The college authorities issued necessary certificates certifying that the petitioner's daughter is admitted to the said course in the first academic year 2012-2013. The total tuition fees payable for six years course comes to Rs.18,21,060/-. The 1st respondent / Bank granted educational loan for the 4th, 5th and 6th years and however, has not paid the same for the 1st, 2nd and 3rd years. Therefore, the present writ petition is filed before this Court, seeking for payment of educational loan for the first 3 years also.

3. In a counter affidavit, it is stated that the petitioner's daughter was granted educational loan for the 4th, 5th and 6th years and however, the petitioner is not entitled to get the same for the first three years, since the petitioner's daughter had already completed her studies in those academic years.

4. Heard both sides.

5. It is not in dispute that the petitioner's daughter is undergoing the medical course in a foreign country and the 1st respondent / Bank had already agreed to pay her the educational loan and accordingly, paid the same for the last three years. However, insofar as the first 3 years are concerned, the stand of the respondents is that the petitioner's daughter had already completed her studies in those academic years and therefore, the educational loan cannot be granted to those academic years. I do not think that the 1st respondent / Bank is justified in saying so especially when the very application seeking for educational loan was filed as early as on 11.09.2013 itself. Therefore, the 1st respondent / Bank having accepted the application and chosen to disburse the educational loan only for the second half of the entire course period, cannot deny the payment of such educational loan in respect of first half of the course, merely because the petitioner has undergone such period of course already. Therefore, the 1st respondent has to consider the claim of the petitioner for paying the educational loan for the first 3 academic years as well.



6. At this juncture, the learned counsel for 1st respondent submitted that proper security has to be furnished by the petitioner for disbursing such loan.

7. The learned counsel for the petitioner submitted that the petitioner will furnish the requisite security before the 1st respondent for disbursement of the said loan.

8. Recording the above undertaking given by the respective parties, this writ petition is disposed of, by directing the 1st respondent / Bank to disburse the educational loan to the petitioner's daughter for the first 3 academic years as well, after obtaining necessary surety for disbursing such loan. The whole exercise shall be done by the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sk/mk

To

1.The Branch Manager,
State Bank of India,
Sundarampalli Branch,
Thiruppathur, Vellore District.

2.The Chief Manager,
State Bank of India,
Sundarampalli Branch,
Thiruppathur, Vellore District.

3.The Regional Manager,
State Bank of India, Vellore,
Vellore District.

+ 1 cc to M/s.E.Kannadasan Advocate,SR.8195

+ 1 cc to Mr.K.Chandrasekaran Advocate,SR.

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nr 06/02/2018