



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) No.10646 of 2017**and****W.M.P. (MD) No.8125 of 2017**

P.Jeya Geetha

... Petitioner

-vs-

1. The Senior Research Officer,
Ministry of Finance,
Financial Section,
Jeevan Deep Building,
Parliament Street,
New Delhi.

2. The Branch Manager,
City Union Bank Ltd.,
474, Periyakulam Road,
Opp. Vaigai Scan,
Theni-625 531.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to quash the impugned order passed by the 2nd respondent dated 02.03.2016 and direct the 2nd respondent to provide education loan to the petitioner's daughter, namely, Rathinamalai, studying B.S.c. (Nursing) and allied Science 2nd year at CSI Jeyaraj Annapackiam College of Nursing and allied Science, Merry Dew Hills, Jonespuram, Pasumalai, Madurai-4.

For Petitioners	: Mr.A.R.Kannappan
For R1	: Mr.D.Saravanan
For R2	: Mr.Pala.Ramasamy

O R D E R

This writ petition has been filed, seeking to quash the impugned order passed by the 2nd respondent dated 02.03.2016, by which the application for grant of loan has been returned on the ground that the petitioner's daughter has scored only 64.35% in the Higher Secondary Examination against the required mark level of 80%. The petitioner also sought a direction to the 2nd respondent to provide education loan to the petitioner's daughter, namely, Rathinamalai, studying B.S.c. (Nursing) and allied Science 2nd year at CSI Jeyaraj Annapackiam College of Nursing and allied Science, Merry Dew Hills, Jonespuram, Pasumalai, Madurai-4.



2. Heard the learned counsel for the parties. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that she and her family belong to Most Backward Class and her daughter has completed the Higher Secondary school at Theni and has scored 64.35% of marks. It is the further case of the petitioner that she has approached the 2nd respondent for educational loan by filing an application dated 02.03.2016, which was returned for the reasons mentioned above. Aggrieved by such non consideration of her application, the petitioner is before this Court with the above direction.

4. The learned counsel appearing for the petitioner has relied upon the judgment of the Hon'ble Division Bench of this Court in the case of **Branch Manager, Indian Overseas Bank vs. A.Ravi and others**, reported in **2014 (4) CTC 363**, wherein the Hon'ble Division Bench of this Court, by incorporating the recommendations of the Indian Bank Association, has been pleased to direct the 1st respondent therein to process the application and sanction the loan as per eligibility within two weeks. For better appreciation, the relevant paragraphs of the judgment are reproduced hereunder:

"4.The Government of India launched the scheme of providing Educational Loans to the economically disadvantaged people, through Nationalised Banks. Sanction of Educational Loan is not free, but it is repayable with interest at a later point of time, of course, at reduced rate of interest. The whole idea behind the scheme is to finance the economically disadvantaged people in their educational career. It is a social commitment for the upliftment of weaker, vulnerable and other sections of the society.....

5 & 6.....

7. In the light of the revised policy evolved in the Review Meeting held on 27.9.2012 at the instance of the Honourable Finance Minister, Government of India, we are unable to find any reason to interfere with the order of the learned Single Judge dated 20.6.2013 in allowing the writ petition. Consequently, this Writ Appeal is dismissed, confirming the Order dated 20.6.2013 made in W.P.No.923/2013. The Appellant Bank is directed to process the Application of the First Respondent without reference to the objections raised and sanction Education Loan as per the eligibility of the First Respondent, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is



5. At this juncture, the learned counsel appearing for the 2nd respondent has produced a memo filed by the 2nd respondent Bank, wherein it has been stated the 2nd respondent Bank is going to withdraw the impugned order dated 02.03.2016 and consider the application of the petitioner afresh, on the petitioner submitting required particulars.

6. In view of the above, this writ petition is allowed and the impugned order dated 02.03.2016 is set aside. The matter is remitted to the 2nd respondent for passing appropriate orders afresh on merits and in accordance with law, with regard to grant of educational loan to the petitioner's daughter, within a period of two weeks from the date of receipt of a copy of this order, keeping in mind the judgment of the Hon'ble Division Bench of this Court (supra). The petitioner is also directed to produce all the required details, particulars, documents etc., to the 2nd respondent forthwith for speedy process. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Senior Research Officer,
Ministry of Finance,
Financial Section,
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New Delhi.

2. The Branch Manager,
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Opp. Vaigai Scan,
Theni-625 531.

+1cc to Mr.D.Saravanan, Advocate Sr.No.83796
+1cc to Mr.A.R.Kannappan, Advocate Sr.No.83981

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VB/MR/KKR/SAR1/02/11/2017/3P/5C

W.P (MD) No.10646 of 2017
26.10.2017