



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.1160 of 2017

Dr.J.Thanga Rani Jerobiah

..Petitioner

Vs

1.The Regional Manager,  
Indian Overseas Bank,  
Regional Office,  
Nagercoil,  
Kanyakumari District.

2.The Branch Manager,  
Indian Overseas Bank,  
Verkilambi Branch,  
Verkilambi,  
Kanyakumari District.

..Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to dispose of the representation dated 5.10.2016 relating to the disbursement of the Education loan amount of Rs.3,49,700/- towards second year and third year tuition fee and exam fee for her MD Course(Homeopathy) Psychiatry course in Vinayaka Mission Homeopathic Medical College and Hospital at Salem.

For Petitioner :M/s.S.Sethuraman

For Respondents :Mr.N.Dilipkumar

**ORDER**

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondents herein to dispose of the representation, dated 5.10.2016 relating to the disbursement of the Education loan amount of Rs.3,49,700/- towards second year and third year tuition fee and exam fee for her MD Course (Homeopathy) Psychiatry course in Vinayaka Mission Homeopathic Medical College and Hospital at Salem.

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

2.On notice, the respondents entered appearance through their



counsel and filed their counter affidavit.

3. According to the counter affidavit, it is stated that the Petitioner having approached the bank only when she was doing third year and for the said year, the loan amount was already sanctioned. Hence, it was not feasible to sanction loan for the second year which had already undergone by the Petitioner, for which she had applied for the loan, as per paragraph 6 of the counter affidavit filed by the respondents/bank, which is extracted below:

*'6. Insofar as the contention in Paragraph 4, it is submitted that the Petitioner submitted her loan application only on 11.11.2016 seeking educational loan for two years. Petitioner was explained in clear terms that the Bank was in a position to sanction loan pertaining to her third year of study alone since already 2 academic years were successfully completed by her prior to approaching the Bank for educational loan. Accordingly, on execution of loan documents by the Petitioner, she was sanctioned a loan of Rs.1.59 lakhs to meet out the expenses pertaining to her third year of study and her other allegations and contentions are denied as false and incorrect..The borrower at no point of time, was promised educational loan by the Respondent/Bank towards reimbursement to the periods which were already completed by her.'*

4. According to the contentions in the above paragraph, it is clearly mentioned that since the Petitioner had successfully completed two years, the question of granting loan for the second year does not arise.

5. In view of the categorical statement made by the respondents/bank in the counter affidavit filed, I do not think that the prayer in the Writ Petition can be granted.

6. In such circumstances, this Writ Petition is dismissed as devoid of merits. No costs.

Sd/-  
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To

1.The Regional Manager,  
Indian Overseas Bank,  
Regional Office,  
Nagercoil,  
Kanyakumari District.

2.The Branch Manager,  
Indian Overseas Bank,  
Verkilambi Branch,  
Verkilambi,  
Kanyakumari District.

+1cc to Mr.N.DILIP KUMAR Advocate in SR. No.52380

VSN

JS/JC/3.05.2017/3P-4C

**W.P(MD)No.1160 of 2017**

**17.04.2017**