



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2017

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE K. RAVICHANDRABAABU**

W.P. (MD) No. 15503 of 2016

R.B. Girisrini

... Petitioner

Vs.

Indian Bank,
41, Visvaspuri 1st street,
Gnanaolivupuram,
Madurai - 625 016.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to forward petitioners education loan application to their higher authorities for sanction. Within a time frame as may be fixed by this court.

For Petitioner : Mr.M.Divakaran

For Respondent : Pala Ramasamy

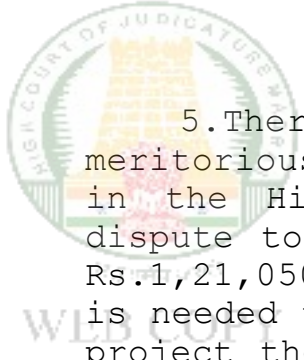
O R D E R

The petitioner seeks for a Mandamus directing the respondent Bank to forward his application seeking for educational loan to the higher authorities of the respondent bank for the purpose of sanctioning the same.

2.The petitioner has got 1091 marks out of 1200 marks in Higher Secondary School Examination. He got admission in Thiagaraja College of Engineering, Madurai on merit basis, in the Engineering course. He applied for grant of educational loan before the respondent bank seeking a total sum of Rs.1,21,050/-. The said application has not been forwarded by the respondent bank to the higher officials. Therefore, the petitioner approached this Court and filed this writ petition.

3.The respondent bank filed a counter affidavit and stated that there are totally 13 accounts in the name of the petitioner's father, out of which, four accounts are still alive. Therefore, it is contended by the respondent bank that unless the petitioner produced no due certificate or the statement of accounts, in respect of those loan accounts, which are still alive in his father's name, the request of the petitioner cannot be considered.

<https://hcservices.e4ouffice.gov.in/hcservices/> learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials placed before this Court.



5. There is no dispute to the fact that the petitioner is the meritorious candidate having secured 1091 marks out of 1200 marks in the Higher Secondary School Examination. There is also no dispute to the fact that the petitioner is seeking only a sum of Rs.1,21,050/- as educational loan and for such amount, no security is needed to be furnished. Even though the respondent proceeded to project their case before this Court, in their counter affidavit, as though two of the housing loans of the petitioner's father are still alive, one by way of filing a suit and another on its account, the letter obtained by the petitioner from the Life Insurance Corporation, House Finance Limited, dated 06.04.2016 and filed before this Court would indicate that those two housing loans were fully repaid by the petitioner's father. Therefore, I find that there are some factual mistakes in the counter affidavit filed by the respondent bank, while discussing about the 13 loans said to have been dealt with by the petitioner's father.

6. In any event, as the very loan amount is only Rs.1,21,050/-, which admittedly lying below the ceiling of Rs.4 lakhs, for which, no security is needed, I do not think that the respondent bank can insist upon the petitioner to produce the no due certificate or the statement of accounts, more particularly, when the above said accounts, which are standing in the name of the petitioner's father, are not the account dealt with the respondent bank. Therefore, I find that the petitioner's application need to be forwarded to the higher authorities for sanctioning the educational loan without loss of further time.

7. Accordingly, the writ petition is allowed. The respondents are directed to forward the petitioner's application to the higher authorities, for considering the same for sanctioning educational loan of Rs.1,21,050/- and disburse the same to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (co)

/True Copy/

Sub Assistant Registrar

TO
Indian Bank,
41, Visvaspuri 1st street,
Gnanaolivupuram,
Madurai - 625 016.

+1 cc to Mr. N.VALLINAYAGAM, Advocate, Sr.No:4114
+1 cc to Mr. PALA RAMASAMY, Advocate, Sr.No:4014

MAS/SKN-RSK:17.02.2017:2P/4C