



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.19087 of 2016

V.L.Vinishkumar

.. Petitioner

Vs.

1.The Manager,
Indian Overseas Bank,
Melakrishnanpudur Branch,
No.6/138B, Melakrishnanpudur,
Agastheeswaram Taluk,
Kanyakumari District.

2.The Bharathiar University,
Coimbatore - 641 046.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent relating to RO/RBMD/67/2016-17 dated 09.08.2016, return loan application of the petitioner and quash the same and direct the first respondent to sanction the educational loan application of the petitioner dated 22.06.2016 for Rs.4,00,000/- and disburse the same expeditiously.

For Petitioner : Mr.C.Godwin

For Respondents : Mr.Pala Ramasamy for R1
Mr.C.Amilthan for R2

ORDER

This writ petition is filed challenging the order of the first respondent, dated 09.08.2016, returning the educational loan application of the petitioner on the reason that the college, in which the petitioner got admission, is not an approved one and that the course, in which the petitioner joined, is no longer affiliated to Indian Maritime University.



2.The first respondent filed a counter affidavit reiterating the contention stated in the impugned order. It is the case of the respondent bank that the Maritime University has not approved the Coimbatore Marine College and therefore, the petitioner is not entitled to loan.

3.The petitioner acquired 92.6% marks in S.S.L.C., and 90.66% marks in +2 examination. He got admission for B.Sc., Nautical Science Course (3 years) for the academic years 2016-2019, at Coimbatore. He applied for educational loan of Rs.4,00,000/- before the first respondent bank. The Coimbatore Marine College is affiliated to the Bharthiyar University, namely, the second respondent herein.

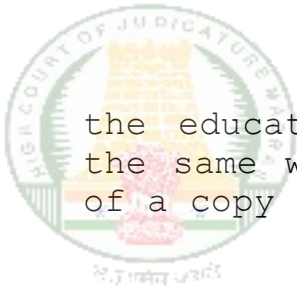
4.The learned counsel appearing for the second respondent, based on instruction, submitted that the college, in which the petitioner has joined, is affiliated to the second respondent University and the course, in which the petitioner got admission, is also an approved course by the second respondent University.

5.When the college, in which the petitioner got admission, is affiliated to the second respondent University and the course, in which he joined, is also approved by the second respondent University, I find no justification on the part of the first respondent bank in rejecting the petitioner's educational loan application simply because the said course is not affiliated to Indian Maritime University.

6.Even in the counter affidavit filed by the first respondent bank, it is seen that the Indian Maritime University sought to withdraw its approval only because the above-said college got affiliation from the Bharathiyar University, Coimbatore as well. When such being the factual position, I do not think that the respondent bank can reject the request of the petitioner for grant of educational loan. Needless to say that extending the educational loan is a timely help and financial assistance to the needy student so as to enable him/her to pursue his/her studies without any hindrance from the financial aspects. It is also to be noted that the first respondent bank is only extending the loan, which is to be recovered from the petitioner in future with admissible interest, and therefore, rejecting the application by giving some lame excuse or reason is to be viewed seriously only as an attempt to evade the responsibilities vested on the bank by the Government to extend the educational loan for needy student. This Court hopes that the respondent bank will extend such help to the needy persons without resorting to find out some reasons to reject the application one way or other.

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

7.Accordingly, this Writ Petition is allowed and the impugned order is set aside. The respondent bank is directed to consider



the educational loan application of the petitioner and sanction the same within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Manager,
Indian Overseas Bank,
Melakrishnanpudur Branch,
No.6/138B, Melakrishnanpudur,
Agastheeswaram Taluk,
Kanyakumari District.

2.The Bharathiar University,
Coimbatore - 641 046.

+1 cc to M/s.Pala Ramasamy, Advocate in SR.No.4013

+1 cc to M/s.C.Godwin, Advocate in SR.No.3814

+1 cc to M/s.C.Amilthan, Advocate in SR.No.3849

SKN

CSL/SV-MMS/SAR-II/31.01.2017 :3P/6C

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