BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on :10.01.2017

Delivered on : 23.01.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.24277 of 2016

S.Sekar ... Petitioner

Vs.

1. The Regional Manager,
   Indian Overseas Bank,
   131, East Car Street,
   Tirunelveli Town,
   Tirunelveli - 627 006.

2. The Branch Manager,
   Indian Overseas Bank,
   Pavoorchatram Branch,
   Tenkasi Taluk,
   Tirunelveli District. ... Respondents

Prayer: Writ Petition filed under section 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to sanction and disburse the petitioner's daughter, namely, S.Tamilarasi, educational loan amount of Rs.3,65,000/- based on the Bona fide Certificate, dated 27.09.2016, issued by the Sara Nursing College, Palani Main Road, Manakadavu, Dharapuram, Tirupur District, based on the petitioner representation dated 01.12.2016 within the period stipulated by this Court.

For Petitioner : Mr.G.Radhakrishnan

For Respondents : Mr.N.Dlipkumar

ORDER

The petitioner seeks for issuance of a Writ of Mandamus directing the respondents to sanction and disburse educational loan to his daughter, namely, S.Tamilarasi, based on his representation, dated 01.12.2016.

2.The case of the petitioner is as follows:-

The petitioner's daughter joined B.Sc., Nursing course at Sara Nursing College, Palani Main Road, Manakadavu, Dharapuram. The total fee payable to the said course is Rs.3,65,000/- and therefore, the petitioner presented an application before the second respondent bank for sanctioning and disbursement of educational loan of Rs.3,65,000/-. Since his request was not considered, he has approached this Court and filed the above writ petition.

3.The respondents filed a counter affidavit, wherein it is contended that the petitioner has not satisfied the required criteria for sanctioning the loan under the scheme called 'Vidya Jyothi Educational Loan Scheme', as she has obtained only 49% of marks in the qualifying H.SC examination as against the requirement of minimum 60% of the marks, as per the said scheme. Therefore, it is contended by the respondents that the petitioner's request for grant of educational loan, cannot be considered.

4.The learned counsel appearing for the petitioner submitted that as per the Division Bench decision reported in **2014(4) CTC 363** (The Branch Manager, Indian Overseas Bank vs. A.Ravi), the respondent bank cannot refuse to sanction educational loan.

5.On the other hand, the learned counsel appearing for the respondent bank by relying on a decision of the learned single Judge of this Court made in W.P(MD)No.10425 of 2011, dated 12.12.2011 confirmed in Writ Appeal and reported in **2012 W.L.R 640** (A.Kasinathan vs. The Branch Manager, Canara Bank, Town Hall Road, Madurai), submitted that prescribing such minimum marks as the requisite criteria for grant of educational loan, cannot be found fault with and consequently, the petitioner's daughter, who obtained only 49% marks in qualifying examination, is not entitled for grant of educational loan.

6.The learned counsel appearing for the respondent bank invited this Court's attention to the relevant scheme, namely, Vidya Jyothi Educational Loan Scheme stipulating the eligibility criteria for grant of the educational loan.

7.Heard both sides and perused the materials placed before this Court.

8.The petitioner is seeking for a Mandamus to grant educational loan for his daughter. It is not in dispute that the petitioner's daughter has obtained only 49% mark in the qualifying H.SC. examination. No doubt, the petitioner's daughter has got admission in the Nursing course in the above-said private college under management quota. But at the same time, it is not in dispute that the scheme under which, the petitioner is seeking educational loan, stipulates the eligibility criteria for seeking loan as follows:-

"1.ELIGIBILTY CRITERIA:

1.1.Eligibility of Student:

- Should be an Indian National

- Should have secured admission to higher education course in recognized institutions in India through Entrance Test/Merit Based Selection process after completion of HSC (10 plus 2 or equivalent).

- In the states where there is no common entrance test (CET) the applicant must secure 60% for others and 55% for SC/ST students in the qualifying examination as Cut-off marks."

9.The fact remains that the petitioner has not chosen to challenge the above-said scheme and on the other hand, he is seeking for issuance of Mandamus only. Even otherwise, the question whether the respondents are justified in prescribing such eligibility criteria, namely, fixing minimum marks for extending the educational loan, has already been considered by the learned single Judge of this Court in his order dated 12.12.2011 made in W.P(MD)No.10425 of 2011. It has been observed therein that the prescription of 60% marks in the qualifying examination, for a student admitted under the management quota, to be eligible for the grant of educational loan, cannot be found fault with. The above-said decision was confirmed by the Division Bench of this Court in a decision reported in **2012 W.L.R. 640** (as cited supra).

10.No doubt, the learned counsel appearing for the petitioner relied on a decision of the another Division Bench of this Court reported **2014(4) CTC 363** (as cited supra) in support of his submission. But a careful perusal of the above-said decision would show that the relevant guidelines framed in that particular case did not stipulate that the educational loan can be sanctioned only for those who have secured 60% and more marks. Therefore, the Division Bench found that in the absence of any prescription of the minimum mark, the concerned bank therein cannot refuse to grant the educational loan. In this case, the facts are totally different as stated supra. The relevant scheme herein stipulates specifically the eligibility criteria by fixing the minimum marks in the qualifying examination. Therefore, I find that the above decision of the Division Bench relied on by the petitioner is not helping him in any manner. On the other hand, I find that the decision made in W.P(MD)No.10425 of 2011 confirmed in Writ Appeal reported in **2012 W.L.R. 640** (as cited supra) squarely applies to the present case against the petitioner. Hence, I find no merits in this writ petition for issuing Mandamus as sought for.

11.Accordingly, this Writ Petition fails and the same is dismissed. No costs.

Sd/
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Regional Manager,
   Indian Overseas Bank,
   131, East Car Street,
   Tirunelveli Town,
   Tirunelveli - 627 006.

2. The Branch Manager,
   Indian Overseas Bank,
   Pavoorchatram Branch,
   Tenkasi Taluk,
   Tirunelveli District.

+1cc to Mr.N.Dilip Kumar, Advocate, SR.No.3595

Order made in
Writ Petition(MD)No.24277 of 2016
23.01.2017

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