



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) No.7170 of 2016**and****W.M.P. (MD) No.6076 of 2016**

D.Babu Suthakar

... Petitioner

-vs-

The Branch Manager,
Indian Overseas Bank,
Main Road,
Kovilpatti,
Tuticorin District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 25.09.2015 passed by the respondent and quash the same and thereby direct the respondent to sanction the education loan to the petitioner's son Arish Sounder for a sum of Rs. 4,00,000/- for the entire five years of Bachelor of Architecture Degree Course Commence from the academic year of 2014 -2015 at Salem School of Architecture.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.Pala Ramasamy

ORDER

This writ petition has been filed, seeking to quash the impugned order passed by the respondent dated 25.09.2015, by which the application for grant of loan has been returned on the ground that the petitioner's son has scored only 58% in the Higher Secondary Examination against the required mark level of 60%. The petitioner also sought a direction to the respondent to provide education loan to his son, namely, Arish Sounder, studying B.Arch. (Architecture) at Salem School of Architecture.

2. Heard the learned counsel for the parties.

3. The case of the petitioner is that his son has completed the Higher Secondary school and has scored 58% of marks. It is the further case of the petitioner that he has approached the respondent Bank for educational loan by filing an application

dated 25.08.2015, which was returned for the reasons mentioned above. Aggrieved by such non-consideration of his application, the petitioner is before this Court seeking the above direction.

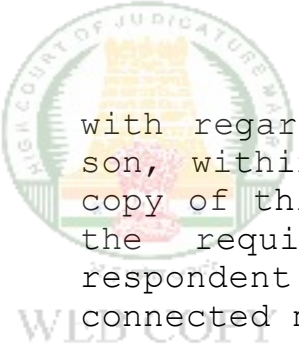
4. The learned counsel appearing for the petitioner has relied upon the judgment of the Hon'ble Division Bench of this Court in the case of **Branch Manager, Indian Overseas Bank vs. A.Ravi and others**, reported in **2014(2) CWC 323**, wherein the Hon'ble Division Bench of this Court, by incorporating the recommendations of the Indian Bank Association, has been pleased to direct the first respondent therein to process the application and sanction the loan as per eligibility within two weeks. For better appreciation, the relevant paragraphs in the said 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 closed."

5. Considering the fact that the issue involved in this petition is squarely covered by the decision of the Hon'ble Division Bench of this Court (cited supra), this writ petition is allowed on the same terms and the impugned order dated 25.09.2015 is set aside. The matter is remitted to the respondent for passing appropriate orders afresh on merits and in accordance with law,



with regard to the grant of educational loan to the petitioner's son, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also directed to produce all the required details, particulars, documents etc., to the respondent forthwith for speedy process. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Branch Manager,
Indian Overseas Bank,
Main Road,
Kovilpatti,
Tuticorin District.

+1cc to Mr.B.Rajesh Saravanan, Advocate Sr.No.88245
+1cc to Mr.Pala Ramasamy, Advocate Sr.No.88410

RM

VB/MR/KKR/SAR3/07/12/2017/3P/4C

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20.11.2017