IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.182 of 2018

GMK. Keerthana Mala .. Petitioner

-vs-

1.The General Manager,
Indian Overseas Bank,
Central Office,
Anna Salai,
Chennai-600 002.

2.The Regional Manager,
Indian Overseas Bank,
Regional Office,
Door No.754, 2nd Floor,
Ideal Garden Complex Junction Road,
Near Five Roads Salem,
Salem-636 004.

3.The Branch Manager,
Indian Overseas Bank,
Gingee Branch,
Villupuram District. .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to grant education loan to the petitioner for the payment of college fees for the academic year 2017-2018, 2018-2019, 2019-2020, 2020-2021 and 2021-2022 pursuant to the petitioner's application dated 07.09.2017.

For Petitioner :: Mr.P.Pandiyaraj

For Respondents :: Mrs.Ananda Gomathy

ORDER

The petitioner seeks a direction to the third respondent to grant her education loan for the payment of college fees for the academic years 2017-2018, 2018-2019, 2019-2020, 2020-2021 and 2021-2022 pursuant to her application dated 07.09.2017.

2.The case of the petitioner is that after completing 12th standard, she was allotted M.B.B.S. seat in Annapoorna Medical College and Hospital, Salem District, based upon the marks obtained in National Eligibility Entrance Test. The said college is affiliated to Dr.M.G.R.Medical University, Chennai and recognised by Medical Council of India. According to her, the total fees are Rs.43,00,000/- including Tution fees, Hostel fee for 5 ½ academic years. She had applied for educational loan before the third respondent for the payment of college fees. Upon insistence made by the third respondent, she has furnished collateral security for education loan purpose. On 13.11.2017, the Panel Advocate has given favourable opinion, after scrutinising the entire documents furnished by her. Despite the same, the respondent bank did not come forward to sanction the said education loan. Hence, she is before this Court seeking the above prayer.

3.Taking support from the order passed by this Court in W.P. No.6286 of 2011 dated 18.08.2011, learned counsel for the petitioner would submit that the bank should adopt a more reasonable and pragmatic approach to the entire issue bearing in mind that the repayment shall be made by the student concerned, who avails loan and such repayment commences after completion of her course of study. He would further submit that when the records of the petitioner are clear, the respondent bank should not hesitate to sanction the said loan. Since the last date for paying the tution fees was on 20.06.2018, the granting of loan would be necessary and if the petitioner commits any default in payment, she would be put in grave hardship in pursuing her higher studies. Therefore, learned counsel for the petitioner prays for a direction be issued to the respondents to sanction the education loan.

4.Learned counsel appearing for the respondents would submit that the financial background of the petitioner's family, more particularly, the petitioner's father was not satisfactory. She would further submit that the petitioner's father has availed credit card loan from the State Bank of India and the same has not been re-paid by him. Therefore, the respondents were unable to respond to the request of the petitioner as she has asked for huge amount of Rs.30,00,000/- to complete the M.B.B.S. course.

5.But this Court finds no merits on the submissions made by the learned counsel for the respondents, as the counter affidavit filed by the respondents does not show that the financial background of the petitioner was unsatisfactory. Although in para 3 of the counter affidavit, it has been mentioned that CIBIL report of the respondent shows a written off account which means the father of the petitioner has not repaid an earlier loan availed, additional typed set filed by the petitioner shows that there is no such remarks against the petitioner and the credit card loan availed by the petitioner was settled earlier.

6.Learned counsel for the respondents further submitted that on production of sufficient security by the petitioner, the respondents will grant the said educational loan.

7.On reply, learned counsel for the petitioner would submit that the property worth Rs.60,50,000/- has been furnished as security.

8.In that view of the matter, this Court hereby directs the third respondent to consider the case of the petitioner for grant of educational loan expeditiously. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The General Manager,
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Central Office,
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3.The Branch Manager,
Indian Overseas Bank,
Gingee Branch,
Villupuram District.

+1cc to M/s.Ananda Gomathy, Advocate SR.No.38474
+1cc to M/s.P.Pandiyaraj, Advocate Sr.No.38807

KAN(CO)
sM:21.6.2018