

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.42052 of 2016

E.Mikeevans

.. Petitioner

Vs.

1. Indian Overseas Bank,
Zonal Office,
Annexe Building-III Floor,
No.763, Anna Salai,
Chennai - 600 002.

2. Chief Manager,
Indian Overseas Bank,
No.150, K.H.Road,
Ayanavaram,
Chennai - 600 023.

.. Respondents

Writ petition filed under Article 226 of the constitution of India to issue a writ of Certiorarified Mandamus to call for the records of the respondent dated 17.10.2016 and quash the same and consequently direct the 2nd respondent herein to sanction education loan.

For Petitioner: Mr.Ravichandran

For Respondent : Mr.K.Balajee,
Standing counsel.

O R D E R

This writ petition is filed challenging the proceedings of the respondent Bank dated 17.10.2016 declining the request of the petitioner for sanctioning the educational loan.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent Bank.

3. A counter affidavit is also filed by the respondent wherein it is stated that after the rejection of the petitioner's request, the petitioner's father approached the Bank and obtained a certificate stating that the petitioner has not availed any loan from the 2nd respondent Bank. The learned counsel for the respondent bank submitted that such certificate

was obtained by the petitioner's father for the purpose of getting the educational loan from the other Bank as the respondent Bank has rejected such request.

4. On the other hand, the learned counsel appearing for the petitioner submitted that the petitioner has not obtained any loan from any other Bank and therefore, the request of the petitioner may be directed to be considered.

5. On perusal of the materials placed before this Court, it is seen that the petitioner has not stated anywhere in his request made on 04.08.2016 as to how much is required as educational loan from the respondent Bank. On the other hand, it is simply a letter written in four lines requesting for extending educational loan without there being any other material details.

6. The learned counsel appearing for the respondent Bank submitted that even in the subsequent representation given on 07.10.2016, the petitioner has not stated as to how much is sought for as educational loan. Moreover, the learned counsel for the respondent Bank, however, contended that the course is also over and the petitioner has completed the course and therefore, considering the claim of the petitioner, at this stage, does not arise without there being any specific details regarding the quantum of the loan.

7. Considering the above stated facts and circumstances and more particularly, considering the fact that there is no specific application filed by the petitioner in the prescribed format seeking for educational loan from the respondent Bank and also by specifically stating as to what is the amount, he is seeking as loan, this Court is of the view that the claim of the petitioner, cannot be considered as such. Therefore, even though this Court is not inclined to accept the reasons stated in the impugned order for rejecting the request, namely, that the petitioner has obtained lesser marks than the qualifying marks for considering the educational loan, this Court is inclined to entertain the writ petition on the reason that the petitioner has not approached the respondent Bank with a specific details of the amount sought as educational loan in the prescribed format. Therefore, this writ petition is disposed of, however, by granting liberty to the petitioner to file appropriate application in the prescribed format before the respondent Bank within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the respondent Bank will consider the same and pass appropriate orders in accordance with law. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. Indian Overseas Bank,
Zonal Office,
Annexe Building-III Floor,
No.763, Anna Salai,
Chennai - 600 002.

2. Chief Manager,
Indian Overseas Bank,
No.150, K.H.Road,
Ayanavaram,
Chennai - 600 023.

+2cc to Mr.S.Ravichandran, Advocate Sr.No.13923

+1cc to Mr.K.Balajee, Advocate Sr.No.14300

GJII(Co)

sm:26.2.2018

W.P.No.42052 of 2016



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