



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.19685 of 2017

Ms.Subhashini

... Petitioner

vs.

1. The Lead Bank Manager,
Lead Bank Office,
64-B, Christhu Nagar Main Road,
Vettornimadam, Nagercoil - 629 003.

2. The Manager,
Tamilnad Mercantile Bank,
25/6D, Vembanavilai,
Palliyadi,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent proceedings in close the term Loan account No.046700480110019 proceeding, dated 21.09.2017 and quash the same, consequently, directing the 2nd respondent to disburse the Education Loan sum of Rs.85,730/- towards the petitioner's tuition fee, Book fee, Exam fee, Project fee etc., for completion of second year M.E Structural Engineering Course for the academic year 2017-2018 forthwith.

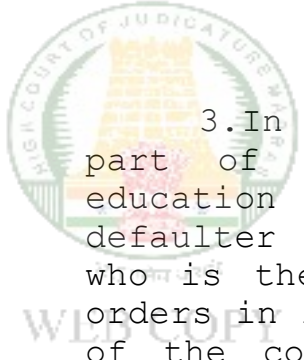
For Petitioner : Mr.N.Ramakrishnadass

For Respondents : Mr.N.Dilip Kumar

ORDER

By deciding the default committed by the petitioner's father in earlier two loans, the petitioner's loan account came to be closed through the impugned order dated 21.09.2017. Challenging the same the present Writ petition has been filed.

2.The reason stated by the respondents for closing the Education loan account of the petitioner herein may not be proper and legally sustainable.



3. In view of the same I do not find any justification on the part of the respondent herein in closing the petitioner's education loan account on the ground that the father was a defaulter in some other loan. The father who is the co-borrower who is the defaulter in the same loan. This Court in various orders in identically placed set of facts has held that the status of the co-borrower cannot be cited as a reason for rejecting educational loan, which is opposed to the object of the beneficial scheme.

4. In the light of the above observations, the impugned order of the second respondent closing the petitioner's Term Loan Account No. 046700480110019, dated 21.09.2017 is quashed. Consequently, the second respondent is directed to disburse the education loan to the petitioner for completion of second year M.E. Structural Engineering for the academic year 2017-2018 subject to the satisfactory of other requirements as per the scheme. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Lead Bank Manager,
Lead Bank Office,
64-B, Christhu Nagar Main Road,
Vettornimadam, Nagercoil - 629 003.
2. The Manager,
Tamilnad Mercantile Bank,
25/6D, Vembanavilai,
Palliyadi,
Kanyakumari District.

+ 1 cc TO Mr.N.S.Ramakrishna Dass , Advocate in SR No. 67426

TM
AE/SKN RSK/SAR4/13.06.2018/2P/4C

W.P. (MD) No.19685 of 2017
08.06.2018