



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESHW.P.(MD) No.23777 of 2017 and
W.M.P(MD)Nos.19958 and 19959 of 2017

Thiyagarajan

... Petitioner

Vs.The Branch Manager,
State Bank of India,
Palavur Branch,
Tirunelveli District.

... Respondent

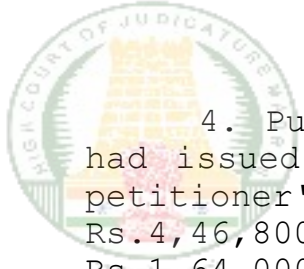
PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent proceedings Nil dated 28.09.2017 and quash the same and consequently, directing the respondent to sanction and pay the educational loan for 4 years, for a sum of Rs.Rs.4,46,800/-[Rupees four lakhs forty six thousand and eight hundred only] to his daughter viz., Miss.T.Ajitha.

For Petitioner : Mr.K.Appadurai
For Respondent : No Appearance**O R D E R**

The petitioner's daughter secured 916 marks in the Higher Secondary Examination held in March 2016 and was selected for B.Sc., Nursing Course in the Salvation Army Catherine Booth College of Nursing at Nagercoil, Kanyakumari District. As per the certificate of fee structure dated 20.10.2016 issued by the said Nursing College, the petitioner had given a loan application to the respondent Bank seeking for educational loan of Rs.4,46,800/- for entire four year course. Since the loan application was kept pending without any orders from the respondent, the petitioner had filed a Writ Petition in W.P.(MD).No.15278 of 2017 and this Court, by order dated 31.08.2017, had directed the respondent Bank to consider the petitioner's application for educational loan within a period of four weeks.

2. Though notice has been served on the respondent and his name is also printed in the cause list, none appears on their behalf.

3. Since there is no representation for the respondent, it can only be concluded that the respondent Bank has no remarks/objections over into the grounds raised by the petitioner.



4. Pursuant to the order of this Court, the respondent herein had issued a letter dated 28.09.2017, stating that as against the petitioner's request for educational loan for a sum of Rs.4,46,800/-, the respondent bank had sanctioned a sum of Rs.1,64,000/- on 16.08.2017, stating that the petitioner's daughter was eligible for sanction of the loan for a total sum of Rs.1,64,000/- for the second to fourth years of B.Sc., Nursing Degree course. In the said letter, it was further observed that the High Court passed orders to the effect that if any eligible person submits an application as a co-applicant for the sanction of loan, the bank shall consider the same.

5. I do not find any justification on the part of the respondent bank in restricting the petitioner's loan amount to a sum of Rs.1,64,000/-, particularly, when the certificate of fee structure disclosed the total fees for the four years as Rs.4,46,800/-. The letter of the rejection of the loan as a whole would only indicate the lethargic attitude on the part of the respondent bank in rejecting the application without any valid reasons. It also defeats the very object of the scheme of the Government to give assistance to the meritorious and financially weak students from pursuing the higher education. It is also seen that the reasoning of the respondent bank in restricting the loan amount to Rs.1,64,000/-, is without any basis.

6. In view of the same, the entire rejection order dated 28.09.2017, issued by the respondent bank herein is liable to be set aside.

7. Accordingly, the Writ Petition stands allowed. The order dated 29.08.2017, issued by the respondent bank herein is set aside and consequently, the respondent is directed to disburse the loan amount of Rs.4,46,800/-, to the petitioner's daughter, in accordance with the scheme. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Branch Manager,
State Bank of India,
Palavur Branch,
Tirunelveli District.

+ 1 CC TO Mr.K.APPADURAI, ADVOCATE IN SR No. 71905

SJI

TE/SKN-RSK/SAR-4 : 30/07/2018 : 2P/3C