

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8330 of 2019

M.Sindhuja

...Petitioner

Vs.

The Branch Manager,
Canara Bank,
Villupuram Road,
Villiyannur, Puducherry.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent bank to disburse the education loan to the petitioner enabling her to study MBBS course in Vinayaka Missions Medical College, Karaikal by considering petitioner's representation dated 28.01.2019.

For Petitioner : Mr.Tamilvanan A

For Respondent : Ms.C.Lavanya

O R D E R

The petitioner seeks for a Mandamus, directing the respondent-Bank to disburse the educational loan to her, so as to enable her to study MBBS course in Vinayaka Missions Medical College, Karaikal.

2. Heard both sides.

3. On completion of Higher Secondary course and scoring 90% of the marks, the petitioner joined MBBS course at Vinayaka Missions Medical College at Karaikal through the selection made by the CENTAC. The petitioner applied for educational loan of Rs.7,50,000/- before the respondent-Bank through her application dated 28.01.2019. However, such application was not considered, hence, the present writ petition is filed with a relief, as stated supra.

4. After notice, the respondent entered through the counsel. It is the contention of the respondent that the petitioner's

application was not considered, since her father is a defaulter as the CIBIL score shows WRITTEN OFF account in the joint borrower's name. Therefore, it is contended that the petitioner is not entitled to get the educational loan on the reason that some loan obtained by the petitioner's father was not paid.

5. The very same issue was already concerned in very many cases, wherein the same contention of the bank was rejected, out of which a recent decision was made in W.P.(MD) No.16836 of 2018 dated 27.08.2018. The learned Single Judge of this Court, in the above case, after extensively considering identical objection, has rejected the case of the Bank and directed them to extend the education loan to the petitioner therein. At paragraph No.4, the learned Judge extracted an order passed in W.P.No.6286 of 2011 dated 18.08.2011 and has observed at paragraph No.11 and 14 as follows:-

11. As rightly held by the learned Judge of this Court in the order dated 12.04.2018, passed in W.P.(MD) No.5144 of 2018, default by the parents in discharging of some other loan availed by them cannot be a valid basis for denial of sanction of educational loan for their children. Moreover, the other reasons cited by the second respondent ? Bank that the employability and the accreditation of the College, in which the petitioner's daughter is admitted, are concerned, the same also cannot be a valid basis for denial of sanction of educational loan, since the College was founded only during 2015 and the first batch of graduates is yet to emerge. In any event, admittedly, the College, in which the petitioner's daughter is admitted and pursuing her higher education, is affiliated to the Tamil Nadu Agricultural University, which is a State University and once the College is affiliated to a recognized University, the question with regard to accreditation of the individual College would not arise at least for the purpose of grant of educational loan. In any event, it is needless to mention that Degrees would be ultimately awarded by the University and not by the College. Therefore, the issue of accreditation, which is held against the petitioner, cannot be countenanced either under law or on facts. Therefore, the same has to be rejected outright.

14. With the above observations, the writ

petition is allowed and there shall be a direction to the second respondent ? Bank to consider the claim of the petitioner and sanction educational loan, as sought by him, within the prescribed norms, without holding the reasons as set forth in the counter affidavit against the petitioner. This Court also rejects the contention of the second respondent-Bank that there was no challenge to the decision of the Bank in rejecting the petitioner's claim, since such an objection is only a technical objection and it does not merit serious consideration by this Court. The second respondent ? Bank is directed to sanction educational loan, as admissible, to the petitioner and pass appropriate orders in this regard, within a period of two weeks from the date of receipt of a copy of this order. No costs.

6. Therefore, I find that the above decision will squarely apply to the present facts and circumstances of the case. Considering the above stated facts and circumstances and by applying the above said decision made in similar issue cases, this Writ Petition is allowed and the respondent is directed to consider the application filed by the petitioner for educational loan and pass appropriate orders by extending the admissible loan amount to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

The Branch Manager,
Canara Bank, Villupuram Road,
Villiyannur, Puducherry.

+1cc to Mr.A.Tamilvanan, Advocate SR.No.34648

+1cc to Ms.G.Lavanya, Advocate SR.No.35164

W.P.No.8330 of 2019

LN(CO)

GMV(15/04/2019)