



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)Nos.6043 and 6044 of 2019

and

W.M.P. (MD)Nos.4829 and 4830 of 2019

S.Abisha ... Petitioner in W.P.(MD)No.6043 of 2019

N.Anju ... Petitioner in W.P.(MD)No.6044 of 2019

Vs

The Branch Manager,
Indian Overseas Bank,
Anandhanadarkudi Branch,
Nagercoil,
Kanyakumari District. ... Respondent in both W.Ps

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order dated 14.05.2018 of the respondent herein and quash the same and consequently direct the respondent herein to sanction education loan to the petitioners.

(in both W.Ps)

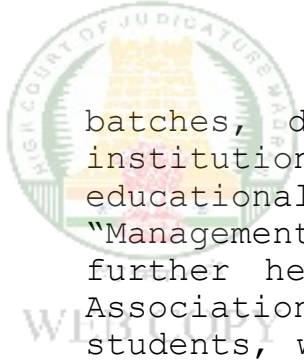
For Petitioner : Mr.T.Pon Ramkumar

For Respondent : Mr.Pala.Ramasamy

COMMON ORDER

The writ petitioners seek disbursement of educational loan. The respondent bank had declined to grant them financial assistance on the ground that they have not secured the minimum prescribed marks as per the norms. This rejection is challenged in these writ petitions.

2.The learned counsel appearing for the writ petitioners placed reliance on a number of unreported orders passed by the various Honourable Judges. He drew the attention of this Court to the order dated 20.02.2018 in W.P.(MD)No.22496 of 2017, order dated 26.06.2018 in W.P.(MD)No.4963 of 2018 and order dated 26.07.2018 in W.P.(MD)No.10867 of 2017. It is true that in these decisions, the Honourable Single Judges have held that on the ground that the applicant had secured low marks, the request for loan cannot be rejected. But I am not persuaded by the aforesaid submission by the learned counsel appearing for the writ petitioners. The Honourable Division Bench of this Court in W.A.(MD)No.1629 of 2011 and extra



batches, dated 20.04.2012 held that it is open to the banking institution to impose restriction of 60% marks for consideration of educational loan in the case of students who secure admission under "Management Quota". The Honourable Division Bench of this Court further held that it is the collective wisdom of Indian Banks' Association in issuing guidelines stipulating 60% marks for the students, who secured admission under the "Management Quota" and it is not subject to judicial review. It was further observed that the Court would not substitute its decision as to the matters within the power of IBA. It cannot supplant the guidelines framed by the experts. This decision was followed in W.P.No.7516 of 2016, dated 21.07.2018 and the Honourable Judge also held that 2015 scheme has got to be read as a whole and that fixation of 60% marks as eligibility norm for education loan by the Bank cannot be interfered with. In the case on hand, it is not in dispute that the writ petitioners had secured marks below 60%. Therefore, the petitioners have not made out a case for grant of any relief. The Writ Petitions stand dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

TO

The Branch Manager,
Indian Overseas Bank,
Anandhanadarkudi Branch,
Nagercoil,
Kanyakumari District.

+2cc to Mr.T.Pon Ramkumar, Advocate, SR.No.56472&56473
+2cc to Mr.Pala.Ramasamy, Advocate, SR.No.58457&58458

W.P. (MD) Nos.6043 and 6044 of 2019
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SP/26.04.2019/ 2P/6C