BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:**17.12.2019**
CORAM:
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P(MD)No.23684 of 2019

Rajendran ... Petitioner

Vs.

1.The Regional Manager,
Indian Overseas Bank,
Karaikudi,
Sivagangai District.

2.The Branch Manager,
Indian Overseas Bank,
Karambakudi Branch,
Pudukottai District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent pertaining to its order bearing No.NIL dated NIL and quash the same and consequently direct the respondents to sanction educational loan to the petitioner's daughter Rajeswari and disburse the same within a stipulated period that may be fixed by this Court.

(Prayer Amended vide Court Order dated 03.12.2019 in W.M.P((MD) No.21129 of 2019 in W.P(MD)No.23684 of 2019 by PSNJ)

For Petitioner : Mr.N.Balakrishnan
For R-2 : Mr.N.Dilip Kumar

ORDER

Heard Mr.N.Balakrishnan, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned standing counsel for the second respondent.

2. This writ petition has been filed by the petitioner challenging the order passed by the second respondent rejecting educational loan to his daughter Rajeswari and for a consequential direction, directing the respondents to sanction educational loan to his daughter.

3. This is an unfortunate case of a student, who is pursuing her B.Sc(Nursing) course, who has been denied the educational loan by the second respondent Bank.

4. The learned standing counsel appearing for the second respondent submitted that there are several judgments on this issue as to what should be the qualification to extend financial facility. As per the Reserve Bank Guidelines, the eligibility requirement to avail educational loan in Indian Overseas Bank is already made available at the website of the bank, which specifically states that where there is no common entrance test (CET), the applicant must have secured 60% of marks and if the candidate is belonging to SC and ST, 55% of marks is fixed as cut-off marks. Admittedly, in this case, the daughter of the petitioner had secured only 52% of marks, which is less than the minimum cut-off marks. The bank had also concerned about its responsibility as the incidence of Non-Performing Assets(NPA) in educational loan segment is sizeable and its volume has been increasing disproportionately. Hence, the norms have to be stringent for extending the educational loan.

5. As the daughter of the petitioner has not met the eligibility requirements prescribed by the Bank on the basis of the Guidelines prescribed by the Indian Bank's Association(IBA), under the Revised Guidelines of Educational Loan Scheme – 2011, the petitioner cannot compel the respondents to extend the educational loan to his daughter.

Hence, this Writ Petition is dismissed as the daughter of the petitioner is not a qualified person to receive educational loan. No Costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pm

To

1.The Regional Manager,
Indian Overseas Bank,
Karaikudi,
Sivagangai District.

2.The Branch Manager,
Indian Overseas Bank,
Karambakudi Branch,
Pudukottai District.

+1 CC to Mr.N.BALAKRISHNAN, Advocate (SR-105440[F] dated 17/12/2019)
+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-105597[F] dated 18/12/2019)

W.P(MD)No.23684 of 2019
17.12.2019

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