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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.11172 of 2015
and
W.M.P.No.35410 of 2017

P.Mayavan

...
Vs.

Petitioner

1.The Branch Manager,
State Bank of India
Thirumalai Nagar Branch
No.31/32, 2nd Street,
Thirumalai Nagar, Kolathur,
Chennai - 600 099.

2.The Managing Director,
Footwear Design & Development Institute,
(Ministry of Commerce and
Industry, Government of India)
Plot No.E1, Foot wear Component Park,
7th Main Road, SIPCOT Industrial Park,
Irungattukottai,
Sriperumbudur -602 117.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for a writ of Certiorarified Mandamus, after calling for the records passed in relating to the letter No.BR/2014-15 dated 04.03.2015 quash the same and consequently, direct the 1st respondent to sanction education loan to the petitioner to the tune of Rs.2.47 lacs.

For Petitioner : Mr.S.T.Varadarajulu

For Respondent No.1 : Mr.K.Chandrasekaran

For Respondent No.2 : Mr.D.Selvaraju

ORDER

The petitioner has challenged the order dated 04.03.2015 passed by the first respondent rejecting the loan application of the petitioner, who is a student in the second respondent institute.

2.It is the case of the petitioner that he is eligible to avail the educational loan from the first respondent bank. According to him, he has satisfied all the requirements for



the sanction of the loan. However, by the impugned order dated 04.03.2015, the first respondent has rejected the loan application. Aggrieved by the same, the writ petition has been filed.

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3. Heard Mr.S.T.Varadarajulu, learned counsel appearing for the petitioner, Mr.K.Chandrasekaran, learned counsel appearing for the first respondent and Mr.D.Selvaraju, learned counsel appearing for the second respondent.

4. According to the learned counsel appearing for the petitioner, subsequent to the filing of the writ petition, the first respondent has disbursed the loan amount towards the educational fees of the petitioner amounting to Rs.1,24,400/- on 06.03.2018 for the 7th and 8th semesters. This fact has also not been disputed by the learned counsel appearing for the first respondent.

5. Having disbursed the loan, it is clear that the petitioner has satisfied the eligibility requirements for the grant of the educational loan. However, the first respondent has not sanctioned the remaining part of the loan amount viz., Rs.1,23,000/- out of the total amount of Rs.2,47,000/-.

6. The learned counsel appearing for the second Respondent institute would submit that only part of the fees was paid by the petitioner and major portion of the fees towards the course underwent by the petitioner is still payable.

7. As far as this writ petition is concerned, this Court is concerned only with the educational loan for a sum of Rs.2,47,000/- sought to be availed by the petitioner. Having already disbursed the sum of Rs.1,24,400/- on 06.03.2018, it is the responsibility of the first respondent Bank to disburse the balance loan amount i.e. a sum of Rs.1,23,000/- out of the total sum of Rs.2,47,000/-. As observed earlier, it is clear that the petitioner has satisfied all the eligibility requirements for the grant of the loan by the first respondent bank. Further, being an educational loan, it is the responsibility of the first respondent to be more careful and see to it that the loan amount is disbursed as expeditiously as possible.

8. It is the case of the learned counsel for the petitioner that due to non payment of the fees, he is unable to complete the course and the petitioner is not permitted to write the examination for the 7th and 8th semesters.

9. As seen from the affidavit filed in support of the writ petition, the petitioner's father is an Auto driver earning meagre sum as his monthly income. Considering all these factors and considering the fact that the first respondent has already disbursed a part of the loan amount, this Court directs the first respondent to disburse the balance loan



amount of Rs.1,23,000/-, which shall be remitted directly to the second Respondent institute account within a period of four weeks from the date of receipt of a copy of this order. Further, it is made clear that the second respondent is at liberty not to permit the petitioner to write the examination, in case, he has not paid the entire fees. However, it is made clear that the second respondent does not have any right to claim interest on the delayed payment made by the petitioner towards the fees.

With the aforesaid directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sms
To

- 1.The Branch Manager,
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Sriperumbudur -602 117.

+1cc to Mr.S.T.Varadarajulu , Advocate SR.No. 2034
+1cc to Mr.D.Selvaraju , Advocate SR.No. 1740
+1cc to Mr.K.Chandrasekaran , Advocate SR.No. 1676

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A.SK(20/01/2020)