

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.862 of 2020

A.Pachiyammal

.. Petitioner

..Vs..

1.The Zonal Officer,
Indian Bank Zonal Office,
No.91, Pennagaram Road,
Dharmapuri,
Dharmapuri District.

2.The Branch Manager
Indian Bank
Karimangalam Branch (Dharm),
Palacode Main Road,
Karimangalam Post,
Dharmapuri District - 635 111.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the Educational Loan application and documents submitted by the petitioner on 20.09.2019 for her son A.Thangarasu Educational expenses and disburse the loan amount by considering the petitioner's Educational Loan Application dated 20.09.2019.

For Petitioner : Mr.D.Gopal

For R2 : Ms.S.R.Sumathy.

ORDER

This Writ Petition has been filed in the nature of Mandamus, directing the 2nd respondent, namely, the Branch Manager, Indian Bank, Karimangalam Branch, Dharmapuri District, to consider the Educational Loan and documents submitted by the petitioner A.Pachiyammal, W/o. Arumugam and disburse the loan amount by considering the petitioner's educational loan application for her son A.Thangarasu.

2. The petitioner in her affidavit stated that her son A.Thangarasu has completed his schooling in Government Boys Higher Secondary School, Karimangalam, in the year 2018-2019 and had applied for B.E., and had also obtained admission in Nandha Engineering College, Erode which is affiliated to Anna University. It is stated that the fee payable for B.E., Agriculture Engineering is Rs.1,00,680/- for the first year and Rs.98,600/- for the each one of the remaining three years. It is stated that therefore, the petitioner had applied for educational loan by online application dated 20.09.2019 along with the relevant documents. It is stated that the petitioner had repeatedly approached the respondent Bank to consider the application. Since there was no response, the present Writ Petition for Mandamus has been filed.

3. Notice was directed to the respondents and learned counsel Mrs.S.R.Sumathy, had entered appearance on behalf of the respondents.

4. A counter affidavit has also been filed by the respondents. In the counter affidavit, it had been stated that the education loan application was defective and was not properly submitted. It was also stated that the defects were informed to the petitioner, but the petitioner had failed to appear and rectify the defects. Therefore, it is stated that the writ petitioner cannot claim right to sanction the loan particularly when the application is defective.

5. Heard both sides.

6. Today Mr.S.Ganesan, Branch Manager, Indian Bank, Karimangalam Branch is also present in Court. This Court places its deep appreciation for the presence of Branch Manager in assisting the Court. It is stated by Mrs.S.R.Sumathy learned counsel for the respondents that the application submitted by the petitioner has been processed. But unfortunately, the father of the student namely, Arumugam has to sign the application forms. It is stated that unless he signs the application forms, the application forms cannot be processed further. As a matter of fact, the father also has to sign as a co-applicant. It is also stated that on his signing the application forms, the relevant documents would be forwarded to the 1st respondent namely, the Zonal Officer, Indian Bank Zonal office, at Salem District. It is mentioned in the writ petition that the Zonal Officer is in Dharamapuri District. It is stated that it is the Zonal Officer, Salem who will have to actually process the application and pass orders in accordance with the eligibility criteria and the condition for grant of educational loan.

7. The learned counsel for the petitioner stated that the father Arumugam of the student A.Thangarasu is prepared to sign the application forms as a co-applicant.

8. In view of these submissions and facts, the following orders are passed:

i).Mr.Arumugam father of the student A.Thangarasu is requested to go over to the Karimangalam Branch of Indian Bank on or before 21.02.2020, produce appropriate Identification Card, identify himself and sign all the relevant forms as a co-applicant to the loan sanctioned for the benefit of his son A.Thangarasu.

(ii) On signing of the said application forms, if there are any defects, the Branch Manager of Karimangalam Branch may point out the said defect and Arumugam may rectify the said defects in the application forms.

iii). After the application form is finally filled up and signed by all concerned, the Branch Manger, Karimangalam Branch may forward the same to the Zonal Office at Salem, for further processing.

iv).Direction is issued to the 1st respondent namely, the Zonal Officer, Indian Bank Zonal Office, Salem to finally process the educational loan, if it is otherwise in order and if it satisfies all the eligibility criteria and conditions for grant of educational loan. At any rate, final orders has to be passed on or before 15.03.2020.

9. With the above observations, the Writ Petition stands disposed of. No order as to costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To,

1.The Zonal Officer,
Indian Bank Zonal Office,
No.91, Pennagaram Road,
Dharmapuri,
Dharmapuri District.

2.The Branch Manager
Indian Bank
Karimangalam Branch (Dharm),
Palacode Main Road,
Karimangalam Post,
Dharmapuri District - 635 111.

+1cc to Mr.D.Gopal, Advocate sr.12801

W.P.No.862 of 2020

spd(co)
nr 18/02/2020



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