

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13657 of 2016

V. Keerthana

...Petitioner

.Vs.

The Branch Manager,
Canara Bank, Kedambur Branch,
Melpatti Road,
Kedambur (Via), Pernumbut,
Ambur Taluk,
Vellore District - 636 808.

..Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus, Calling for the records of the Respondent and quash the Impugned Letter dated 08/03/2016 in Ref. No.Edn Loan/Misc/Keerthana/JBR/37-A/2016 issued by the Respondent to the petitioner as the same is perverse arbitrary illegal untenable smacks of malafide and colourable exercise of power and consequently directing the Respondent to consider the educational loan application of the petitioner for pursuing B.Sc Nursing course in Noorie College of Nursing Andersonpet K.G.F.563 113 Kolar District Karnataka.

For Petitioner : Mr.Anand Venkatesh for
Mr.L.K.Manjunath

For Respondent : Mr.Raghunathan for
Mr.T.S.Gopalan and Co.

ORDER

This Writ Petition is heard through Video Conference on account of COVID-19 pandemic situation.

2. The petitioner has sought for a Writ of Certiorarified Mandamus, calling for the records of the respondent and quash the Impugned Letter dated 08/03/2016 in Ref.No.Edn Loan/Misc/Keerthana/JBR/37-A/2016, as the same is perverse, arbitrary illegal, untenable, smacks of malafide and colourable exercise of power and consequently for a direction to the respondent to

consider the educational loan application of the petitioner for pursuing B.Sc Nursing course in Noorie College of Nursing, Andersonpet, K.G.F.563 113, Kolar District, Karnataka.

3. The petitioner, who belongs to Scheduled Caste community and economically poor, had secured a seat in Noorie College of Nursing for B.Sc. (Nursing) course. The duration of the course is for four years commencing from the year 2015-2016 and ending 2018-2019.

4. For the purpose of paying the fees, the petitioner seems to have applied before the respondent-Bank for educational loan. Admittedly, the petitioner had secured only 49% of marks in the Higher Secondary Course Examination. Therefore, the respondent-Bank could not accede to the request of the petitioner and rejected her loan application on the ground that she has not secured the minimum marks required for the purpose of granting the loan. The writ petition was laid in the year 2016.

5. The learned counsel appearing for the petitioner himself states that the petitioner had completed her course and now, she is comfortably employed and earning a handsome amount. Therefore, the learned counsel states that the bank only has to look into the repayment capacity of the person and now that the petitioner is employed and getting the salary, her application may be considered.

6. The application of the petitioner was rejected only on the ground that she had not secured the marks required for the purpose of disbursing the educational loan.

7. A reliance was placed by the learned counsel for the respondent-Bank on the Revised Guidance Notes on Model Educational Loan Scheme for pursuing Higher Education in India and Abroad (2015), wherein, in Clause (II), it is specifically mentioned that where the admission is purely based on the marks scored in qualifying examination, the Bank may fix the cut-off marks (percentage) for loan eligibility. Besides, the above loan Scheme also makes a candidate eligible for the loan only, if he/she is a meritorious student. A student is considered to be meritorious, when an admission to professional or technical courses are through common entrance tests and those got admission through the said process. In the case on hand, admittedly, the petitioner had secured her seat only in the management quota that itself dis-entitle her even for applying an educational loan.

8. As the course itself is now complete and the petitioner also did not meet with the criteria, as prescribed by the respondent-Bank and the revised scheme is also not in favour of

the petitioner, the petitioner is not entitled for any relief from the respondent-Bank. Therefore, it does not require any further consideration, as the above facts are admitted by the petitioner.

9. With the above observation, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Branch Manager,
Canara Bank, Kedambur Branch,
Melpatti Road,
Kedambur (Via), Pernumbut,
Ambur Taluk, Vellore District - 636 808.

+1cc to Mr.T.S.Gopalan, Advocate, Sr.No30705

W.P.No.13657 of 2016

ks (co)
rr ii (16/10/2020)