

23-07-2021
ct no. 13
Sl.105
sp

WPA 11028 of 2021

Arpita Malakar

-Versus-

Union of India & Ors.

(Via Video Conference)

Mr. Achyut Basu,
Ms. Punam Basu,
Ms. Sonam Basu,
Mr. Srikanta Chakraborty

...for the petitioner

Mr. Soumya Subhra Roy

...for the Union of India

Despite service of notice, the bank is not represented.

Affidavit of service filed by Mr. Achyut Basu, learned counsel for the petitioner, is taken on record.

The writ petitioner has applied for an educational loan to pursue the GNM Nursing Course under the Vidya Lakshmi Common Education Loan Scheme, at the East West School of Nursing.

The bank has refused the application of the petitioner on the ground that the loan application was “out of the service area and low scoring for processing”.

The Court has not been able to appreciate the exact reason for refusal except that the residence of the writ petitioner was outside the jurisdiction of the respondent no.7.

Mr. Achyut Basu, learned counsel appearing for the petitioner places reliance on a judgment of the Kerala High Court dated July 9, 2021 in WP (C) No. 6593 of 2021 (Devika Soniraj vs. The Zonal Manager, Bank of India and Anr.).

In the said judgment, the Hon'ble Kerala High Court has referred to the object and purpose of the educational loan and that the applicants, particularly, students, cannot be deprived of the same except by due process of law. The Circular/Scheme of the IBA dtd. 27/09/2012.

In that view of the matter, this Court directs the respondent-bank, to pass a reasoned order on the loan application of the petitioner within a period of one month from the date of communication of a copy of this order, and to communicate the same to the petitioner within seven days thereof.

It is further directed that in the event, the petitioner's application does not fall within the jurisdiction of the respondent no.7, the said application shall be forwarded to the concerned Branch Manager of the bank having jurisdiction in the matter.

It is needless to mention, the petitioner shall comply with all requisitions of the bank. It is expected that the respondent-bank shall bear in mind the observations of the Kerala High Court in the Devika Soniraj case (supra) on the circular of

the Indian Bank Associations dated September 27, 2012, i.e. Annexure-P/1 to the writ petition.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)