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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.38502 of 2015

S.Arumugham

... Petitioner

Vs.

1. The Chairman
Corporation Bank
Head Office: P.B.No.88
Mangaladevi Temple Road,
Pandeshwar, Mangalore - 575 001.

2. The Branch Manager
Corporation Bank
308 - Anniyur Branch
70-B/2, Perumal Koil Street
Anniyur - 605202, Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of second respondent pertaining to order in OR/ANN/478/Education/2013-14, dated 20.12.2013 and quash the same and direct the respondents to pay compensation of Rs.10,00,000/- on account of illegal denial of education loan to petitioner's daughter A.Jayalakshmi and the resultant discontinuation of her studies B.Sc.(Nursing) at E.S.College of Nursing, Villupuram in the mid way thereby ruined her carrier opportunity of becoming a nurse.

For Petitioner : Mrs.A.Saliha Begum
for Mr.S.Pushpakaran

For Respondents : Mr.N.Sivabalan

O R D E R

The Writ on hand is filed to quash the order of the 2nd respondent dated 20.12.2013 rejecting the Educational loan to



the petitioner's daughter. The Educational loan was denied on the ground that the petitioner's son who availed the Educational loan earlier, has not repaid the loan amount. However, the fact remains that they had discontinued the course.

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2. This Court is of the considered opinion that, no doubt, the Educational loans are to be granted by adopting a liberal approach. Such loans are provided as welfare measures to assist the students to pursue their higher studies. Therefore, a liberal approach is required for the purpose of providing Educational loans. The Courts are also considering such applications and issuing directions to the authorities to grant Educational loans.

3. However, in the present case, one loan was already granted to the petitioner's son to pursue his higher studies. As the first loan granted to the petitioner's son was not cleared, the Bank authorities rejected the second Educational loan application.

4. The loans are sanctioned from and out of the public money. Thus, Judicious approach is required. Furthermore, balanced approach is more important while considering such second application for grant of Educational loans. This is the reason why the Banks are granting loan based on the marks secured by the students. When there are many applications, then certain criteria has to be adopted for the purpose of grant of Educational loans. Logical approach is imminent to ensure that the students are capable of completing the course and to arrive at a conclusion, such assessments are required.

5. Therefore, there is no impediment or infirmity as such in making assessment based on the marks and other eligibility. It is not as if every Educational loan application must be considered positively. There are certain guidelines and criteria for the purpose of grant of Educational loan. All such criteria must be looked into as it has got certain significance for the purpose of taking pragmatic approach in the matter of grant of Educational loans.

6. This being the factum, in the present case, the second Educational loan application was rejected as the first Educational loan granted to the petitioner's son was not cleared. Therefore, there is no infirmity as such in respect of the action taken by the 2nd respondent. The Writ Petition



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deserves no merit consideration and stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
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+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.69166

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.69212

W.P.No.38502 of 2015

UM(CO)
SU(31/01/2022)