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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7149 of 2016
and
W.M.P.No.6352 of 2016

S.Rajagopal

...Petitioner

Vs

1.The Branch Manager,
Bank of India,
K.K.Nagar Branch,
Door No.456, R.K.Shanmugham Salai,
K.K.Nagar, Chennai - 600 078

2.The Zonal Manager,
Bank of India,
17, Erabalu Chetty Street,
Chennai - 600 001

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, forbearing the respondents 1 & 2 from attaching or adjusting the petitioner's monthly pension towards the petitioner's daughter Dr.Jayashree Rajagopal's education loan account and directing the 1st and 2nd respondent to return the monthly pension amounts, which had been already illegally attached and adjusted towards the petitioner daughter's Educational loan on the basis of the petitioner representation dated 03.10.2015 on a date fixed by this Hon'ble Court.

For Petitioner : Mr.P.Gunaraj

For Respondents : Mr.S.Patrick



O R D E R

The writ on Mandamus has been filed to forbear the respondents 1 & 2 from attaching or adjusting the petitioner's monthly pension towards the petitioner's daughter Dr.Jayashree Rajagopal's education loan account and directing the 1st and 2nd respondent to return the monthly pension amounts, which had been already illegally attached and adjusted towards the petitioner daughter's Educational loan on the basis of the petitioner representation dated 03.10.2015.

2. The petitioner admittedly was working as a Chief Cashier in the respondent-Bank of India, K.K.Nagar Branch and retired from service on 30.04.2014. While he was working as Chief Cashier at K.K.Nagar Branch, his daughter Dr.Jayashree Rajagopal had availed an educational loan to pursue her B.D.S course for the period from 2006 to 2010 for a sum of Rs.7.5 lakhs from the 1st respondent / Bank of India, K.K.Nagar Branch, Chennai. The petitioner stood as co-applicant for the said loan obtained by his daughter.

3. The daughter of the petitioner passed B.D.S course at S.R.M.Dental College in the year 2010 itself. She underwent her House Surgeonship course in the same college for a period of one year and thereafter, underwent the Senior internship at Royapettah Government Hospital from July 2011 for a period of 10 months. The daughter of the petitioner further joined M.D.S Course at M/s.Ragas Dental College from the academic year 2014 and completed her Post Graduation course and thereafter commenced her practice as Dental Doctor.

4. The daughter of the petitioner Dr.Jayashree Rajagopal is now practicing independently at T.Nagar, Chennai. Admittedly, she is an income-tax assessee.

5. The petitioner is a retired Chief Cashier of the respondent-Bank of India and receiving pension. Under these circumstances, the petitioner has filed the present writ petition, stating that he is facing certain personal difficulties in settling the educational loan granted by the respondent-Bank to complete the studies of his daughter. The loan was sanctioned in the year 2007. The daughter of the



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petitioner completed her B.D.S course in the year 2010. She has completed House Surgeon in the year 2011. She is almost practicing about 10 years and further, an independent practitioner and an income-tax assessee.

6. This Court is of the considered opinion that such persons, who gain some reputation in the society by virtue of their education and status are expected to maintain good conduct in repaying the educational loan. The educational loan is granted by the Banks for the noble purposes of encouraging the poor students for pursuing their education including higher education. Undoubtedly, the petitioner was a Chief Cashier during the relevant point of time in the same Bank. In spite of the fact that he was receiving a decent amount of salary as a Head Cashier, the respondent-Bank, sanctioned educational loan since his daughter was admitted in B.D.S course. In such circumstances, the petitioner as well as his daughter, who is now independently practicing as Dental Surgeon, is expected to settle the loan, as the educational loan is granted from the public money invested in the Banks. Unless the persons, who completed their education after obtaining educational loan, attained a position, at least they must think of settling the loan for the benefit of other poor students, who all are waiting to get educational loans from the Banks. The duty towards the society of such Doctors, who is the daughter of the Petitioner is to be taken into consideration. The Doctors are doing noble profession, they are expected to do better services to the society. This being the nobility involved in the medical profession, the petitioner's daughter, who has set up an independent practice in T.Nagar, the petitioner is expected to settle the loan amount soon after the commencement of her practice. It is painful to understand that the petitioner, who was working as a Chief Cashier and his daughter, who is a practicing Dental Surgeon and an income-tax assessee, has so far failed to clear the educational loan and filed the writ petition in the year 2016.

7. The learned counsel for the respondent-Bank states that the prayer sought for in the writ petition is not maintainable as the relief is to direct the respondents not to attach the pension of the petitioner. The petitioner cannot take any shelter by merely stating that he is facing certain problems. If at all, the daughter of the petitioner is not co-



operating for settlement of the educational loan, the petitioner is bound to initiate appropriate action against her daughter under the provisions of the Protection of Senior Citizen Act. The applicant and the beneficiary of the educational loan is the daughter of the petitioner. She is also duty bound to co-operate with her father for settling the educational loan sanctioned by the Bank for the purpose of completing her medical education.

8. Article 51-A of the Constitution stipulates the fundamental duties to be followed by every citizen. The Doctors are having more responsibility towards the society. The nobility involved in the medical profession is to be preserved and protected at all times.

9. Under these circumstances, this Court is of the considered opinion that the relief as such sought for in the present writ petition deserves no merit consideration.

10. After completing the arguments, the learned counsel for the petitioner made a submission that the petitioner, who is assisting the learned counsel during Video-Conferencing herein made a request to withdraw the writ petition.

11. However, this Court has to record the fact that the persons, who have gain a status by virtue of the educational loan, is expected to maintain good conduct in repaying the educational loan and therefore, the writ petitioner, along with his daughter Dr.Jayashree Rajagopal, are directed to settle the educational loan to the respondents-Bank immediately and after such settlement, the respondents are directed to issue appropriate certificate of clearance in favour of the borrowers.

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

Sd/-
Assistant Registrar (CS-VI)

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Sub Assistant Registrar

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To

1.The Branch Manager,
Bank of India,
K.K.Nagar Branch,
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K.K.Nagar, Chennai - 600 078.

2.The Zonal Manager,
Bank of India,
17, Erabalu Chetty Street,
Chennai - 600 001

+1CC to Mr.P.Gunaraj, Advocate, SR.No. 47413

+1CC to Mr.M.R.Gokul Krishnan, Advocate, SR.No. 47484

W.P.No.7149 of 2016

SS(CO)

B.VC (18/10/2021)