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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 20158 of 2021

A. Nivedhitha

.. Petitioner

Versus

1. The Zonal Manager
Bank of India
Zonal Office
No.30, Errabalu Street
Chennai - 600 001

2. The Branch Manager
Bank of India
Mogappair Branch
Chennai - 600 037

3. The Registrar
Tamil Nadu National Law University
Navalurkuttappattu
Dindigul Main Road
Tiruchirappalli - 620 027

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second respondent to consider the representation dated 17.07.2021 and send a communication to the third respondent to deposit a sum of Rs.92,000/- in her account without any further delay

For Petitioner : Mr. S. Anbalagan

O R D E R

This writ petition has been filed praying to issue a Writ of Mandamus directing the first and second respondent to consider the petitioner's representation dated 17.07.2021 and send a communication to the third respondent to deposit a sum of Rs.92,000/- in her account.



2. The petitioner claims that she is pursuing her law degree in Tamil Nadu National Law University at Trichy. She had applied for an educational loan with the second respondent bank for Rs. 9,45,000/- on 19.12.2019 and the same was sanctioned to her on 02.01.2021. For the academic year 2019-2020, while disbursing the eligible loan amount of Rs.2,23,000/-, the second respondent retained Rs.50,000/- as margin amount and remitted only Rs.1,73,000/- into her account. For the academic year 2020-2021, anticipating disbursement of loan amount, the petitioner paid Rs.10,000/- as initial fee and as per the schedule of payment issued by the University, she has to pay Rs.1,93,000/-. Later, the second respondent also transferred to the account of the third respondent University the sum of Rs.1,93,000/-. Whereas, due to the Covid-19 pandemic situation, the actual fee payable by the petitioner was reduced to Rs.1,11,000/-. Therefore, an excess sum of Rs.92,000/- is in deposit with the third respondent University. Therefore, the petitioner submitted a representation through e-mail to the third respondent on 17.07.2021 to re-transfer the sum of Rs.92,000/- into her bank account. The petitioner also sent a representation on the same day namely 17.07.2021 to the respondents 1 and 2 to give appropriate instructions to the third respondent to deposit the sum of Rs.92,000/- into the bank account of the petitioner. However, the representation dated 17.07.2021 has not been considered by the third respondent, Hence, the petitioner has come up with this writ petition.

3. Heard the learned counsel for the petitioner and perused the materials placed on record. It is stated that out of the sum of Rs.1,93,000/- deposited by the respondents 1 and 2 towards educational loan payable to the petitioner, into the account of the third respondent University, a sum of Rs.92,000/- could not be utilised for the reason that the actual fee payable by the petitioner has been reduced by the third respondent University. The petitioner submitted a representation on 17.07.2021 requesting the respondents 1 and 2 to issue an authorisation letter or No Objection letter to the third respondent University so as to enable the third respondent to re-transfer the excess amount into her account. However, the representation dated 17.07.2021 has not been considered so far. Having regard to the nature of relief sought for in this writ petition, this court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 17.07.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.



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4. With the abovesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

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+1cc to Mr.S.Anbalagan, Advocate, S.R.No.48393

WP No. 20158 of 2017

PCH(CO)
SU(27/10/2021)