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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.21148 OF 2019

P.Bharathan

.. Petitioner

Vs.

1. The Divisional Manager,
State Bank of India,
No.11, Ramakrishna Road,
Srirangpalayam,
Salem-636 007.
2. The Branch Manager,
State Bank of India,
Gajalnaickenpatti,
Post Box No.1.
Trichy Main Road,
Gajalnaickenpatti,
Salem-636 201.
3. The Principal,
The Central Law College,
Yercaud Main Road,
Kannankurichi, Salem-636 008.

(R3 is impleaded as per the Order
dated 22.08.2019 in WMP.No.21601 of 2019)

.. Respondents

Prayer: Petitioner has filed this petition under 226 of the Indian Constitution to issue a Writ of Certiorarified Mandamus to call for the records relating to the Letter dated 10.05.2019 on the file of the Second Respondent herein and to quash the same and direct the second respondent to consider the loan application made by the petitioner through online on 22.10.2018 for grant of Educational Loan at Rs.1,40,000 for the completion of his L.L.B., Course for the years 2018-2019 and 2019-2020, within a time frame as may be fixed by this court.



For Petitioner : M/s.Elizabeth Ravi
For Respondents : M/s.S.R.Sumathy for R1 & R2
: Mr.A.Tamilvanan for R3

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ORDER

The Petitioner has filed this Petition seeking issuance of the Writ of a Writ of Certiorarified Mandamus to call for the records relating to the Letter dated 10.05.2019 on the file of the Second Respondent herein and to quash the same and direct the second respondent to consider the loan application made by the petitioner through online on 22.10.2018 for grant of Educational Loan at Rs.1,40,000 for the completion of his L.L.B., Course for the years 2018-2019 and 2019-2020, within a time frame as may be fixed by this court.

2. The Case of the petitioner is that the petitioner is a B.com graduate who after completing his Higher Secondary Education had joined in L.L.B course at Central Law College, Salem on 17.09.2017 through proper channel. Thereafter, he applied for an Educational loan through online to the 2nd Respondent for a sum of Rs.1,40,000/- which included tuition fees and other fees, however, the 2nd Respondent was complacent over the matter. Therefore, the petitioner made a complaint to the Banking Ombudsman after which a sum of Rs.52,000/- was sanctioned by the 2nd Respondent which was only towards tuition fees and the loan towards internet fee and other fees was denied by the 2nd Respondent. Thereafter, the petitioner sent a legal notice to the 2nd Respondent with regard to sanction of loan as sought by him to which a reply dated 12.06.2019 was sent by the 2nd Respondent. Aggrieved by the same, the present Writ Petition is filed seeking the above relief.

3. The learned counsel for the petitioner submits that though the petitioner had produced the relevant documents including the appropriate certificate issued by the 3rd Respondent College towards the expenditures to be incurred to complete the said course, the 2nd Respondent refused to grant the loan as sought for by the petitioner and instead only a sum of Rs.52,000/- was granted which is totally insufficient to meet the expenditures for completing the said Course. Hence, the petitioner left with no other remedy has filed the present Writ Petition.

4. The learned Counsel for the Respondents submits that the petitioner had applied for sanction of Educational Loan of Rs.1,40,000/-. The same was considered and totally a sum of Rs.52,000/- was granted as per the fee structure given by the Educational Institution. As per the same, the petitioner is not



entitled to receive the loan as sought for in his representation. Hence, the present Writ Petition filed before this Court is liable to be dismissed.

5. Since, the amount of Rs.52,000/- has already been ordered by the Ombudsman, the learned counsel submits that this Court may permit the petitioner to file a fresh application seeking loan to the 1st Respondent herein and a direction may be given to the 1st Respondent to consider the same and pass appropriate orders within a particular time frame as fixed by this Court.

6. In view of the above submissions, this Court without going into the merits of the case which allows the petitioner to receive a sum of Rs.52,000/- if not already received and further directs the petitioner to file a fresh loan application before the 1st Respondent. If such application is filed, the 1st Respondent shall consider the same and pass appropriate orders in terms with the RBI guidelines in vogue.

7. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Divisional Manager,
State Bank of India,
No.11, Ramakrishna Road,
Srirangpalayam, Salem-636 007.
2. The Branch Manager,
State Bank of India,
Gajalnaickenpatti,
Post Box No.1,
Trichy Main Road,
Gajalnaickenpatti, Salem-636 201.

+1cc to M/s.Elizabeth Ravi, Advocate, S.R.No.57484

W.P.No.21148 of 2019

GPL(CO)
RLP(17/12/2021)