



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P(MD)No.840 of 2020

and

W.M.P(MD)Nos.616 and 617 of 2020

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V.Udayalakshmi

... Petitioner

versus

1. The General Manager,
Regional Office,
Indian Overseas Bank,
65/A, 1st and 2nd Floor,
Shanmugam Complex,
East Car Street,
Thoothukudi.

2. The Branch Manager,
Indian Overseas Bank,
Sawyerpuram,
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to the impugned order dated 17.12.2019 and quash the same as illegal and arbitrary and consequently, direct the 2nd respondent to sanction the Educational Loan Rs.5,20,000/- to the petitioner for studying her 1st year and subsequent years in B.Sc. Nursing course based on the petitioner's online application dated 30.10.2019.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.Pandivel,
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent, dated 17.12.2019, wherein, the request made by the petitioner seeking for educational loan was rejected.

2. The case of the petitioner is that she completed her 12th standard in the year 2019 and had joined B.Sc. Nursing. The duration of the course is four years. According to the petitioner, she hails from a poor family and her parents were not



able to pay the tuition fees. Therefore, she applied for educational loan in the second respondent Bank on 30.10.2019. The same came to be rejected by the second respondent Bank through impugned order dated 17.12.2019. Aggrieved by the same, the present writ petition has been filed before this Court.

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3. Heard Mr.A.D.Ganeshamoorthi, learned counsel appearing for the petitioner and Mr.Pandivel, learned Standing Counsel appearing for the respondents.

4. The petitioner had earlier filed W.P.(MD)No.25621 of 2019 before this Court and had sought for a direction to the second respondent to sanction her educational loan. The said writ petition was dismissed by an order dated 18.12.2019. It will be relevant to extract the portions of the order for proper understanding.

"4. The learned counsel appearing for the respondents very categorically stated that the schemes of Educational Loan are provided to the students, who are need-based and meritorious. The students, who have obtained admission to eligible course through merit-based selection process, such as common entrance exam, could be considered as a "meritorious student" and if the students obtained admission purely based on the marks scored in the qualifying examinations, the respondent/Bank is entitled to fix the cut off mark for the loan eligibility, as per IBA revised model educational loan scheme. He further stated that as per the said scheme, the respondent/Bank has fixed the cut off mark as 60% for the students' Educational Loan eligibility. As the petitioner/student had obtained 54.50% marks, the respondent Bank cannot consider her application.

5. Pending the said writ petition, this Court by order dated 13.12.2019, directed the respondent/Bank to consider the case of the petitioner sympathetically. Pursuant to which, a reply has been addressed to the petitioner herself stating that though the matter was taken to consider the loan application on sympathetic ground, the respondent/Bank cannot grant any loans beyond the circulars and Policies of RBI. Hence, the loan application of the petitioner is rejected."

5. It is clear from the above order that the respondents had taken a stand to the effect that the petitioner had not obtained the necessary cut-off marks and therefore, she is not entitled for educational loan. This Court took into consideration the stand taken by the respondent Bank and accepted it and dismissed the writ petition.



6. The petitioner has now filed the present writ petition against the rejection order passed by the second respondent. Even in the rejection order, the mark scored by the petitioner has been put against her.

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7. The learned counsel for the petitioner submitted that the earlier writ petition was filed for a mandamus and the present writ petition has been filed challenging the order passed by the second respondent. It really does not make any difference between both the writ petitions, since even the impugned order talks about the marks secured by the petitioner as a disqualification for the educational loan and this Court also dismissed the earlier writ petition on the same stand taken by the respondent Bank. The learned counsel for the petitioner submitted that there is an order passed in the writ appeal to the effect that the marks secured in the examination cannot be a ground to reject the educational loan. The earlier order passed by this Court remains unchallenged. Therefore, another Single Judge cannot pass a contrary order. Therefore, the petitioner, if she is aggrieved by the earlier order, has to necessarily file an appeal against the earlier order passed in W.P.(MD)No.25621 of 2019. Instead, the same ground cannot be urged before the another single Judge and judicial discipline requires that there must be consistency in the orders passed by this Court.

8. In view of the above discussion, this Court is not inclined to interfere with the impugned order passed by the second respondent and give a different finding than the one that was given in the earlier writ petition in W.P(MD)No.25621 of 2019. If the petitioner is aggrieved by the said order, she has to work out her remedy only by way of filing an appeal.

9. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

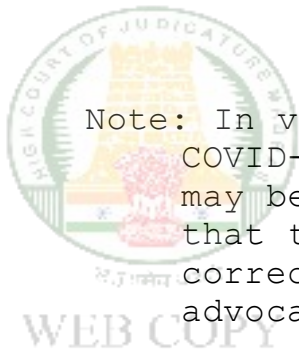
Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.A.D.GANESHAMOORTHY, Advocate (SR-19819[F] dated 22/06/2021)

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