BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.7577 of 2021

(Through Video Conferencing)

M.Chandravadhani Ram ... Petitioner

Vs.

The Branch Manager
Indian Overseas Bank
123-127 Jawaharlal Main Road,
Shenkottai Branch
Shenkottai, Tenkasi District. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to sanction the educational loan to the petitioner for B.Arch course, following the order of this Court passed in W.P.(MD) No.9766/2018 dated 19.07.2018 within the time fixed by this Court.

For Petitioner :Mr.H.Arumugam
For Respondent :Mr.Pala Ramasamy

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondent bank to sanction educational loan to the petitioner.

2. The case of the petitioner is that she joined B.Arch course in the year 2016 at Kalasalingam Academy of Research and Education/Deemed to be University. The course is for a period of five years. Since the petitioner comes from a poor family, her father made an application to the respondent bank seeking for educational loan. Since it was not sanctioned, the petitioner approached this Court and filed W.P.(MD) No.9766/2018 and this Court directed the respondent bank to consider the loan application and to take a decision within two weeks.

3. The respondent bank by letter dated 17.12.2018 informed the petitioner and her father that the petitioner falls under the non IBA scheme and she will be considered under the IOB scholar scheme, which stipulates collateral security coverage of 100% for loans.

4. Pursuant to the receipt of this communication, the parties were having regular communication and the petitioner by letter dated 04.02.2021 informed the bank that the sale deed dated 06.08.1990 is given as a collateral security and the same may be considered for providing educational loan to the petitioner. Since there was no development and the petitioner was in her final year and she had not paid the fees from the 4th year onwards, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

6. The learned counsel appearing on behalf of the respondent bank submitted that the petitioner was informed that the collateral security is required in order to consider the application of the petitioner under the IOB scholar scheme. It was further submitted that the sale deed that was given as a security covered a larger portion of the property and out of the same, the father of the petitioner has dealt with some of the portions and therefore, the father of the petitioner was asked to clarify as to what portions are remaining within his ownership. It is stated that no proper clarification was given by the father of the petitioner. In the meantime, the course undergone by the petitioner has come to an end and the petitioner has already written her exams for the final semester. The learned counsel for the respondent bank submitted that after the completion of the course, the educational loan will not be granted.

7. In the considered view of this Court, the respondent bank has informed the petitioner even in the year 2018 that a collateral security has to be given covering the entire loan amount. This letter was acted upon and a security was given by way of a sale deed standing in the name of the father of the petitioner. While so, the petitioner has now come up with a stand that her loan application must be considered under the IBA scheme and there is no requirement to furnish any security, if the petitioner confines the loan amount to Rs.4 lakhs.

8. It is too late in the day for the petitioner to come up with a claim that she should be considered under the IBA scheme. The letter dated 17.12.2018 was acted upon by the petitioner and her father and the security was also offered. It is not known as to why the clarification sought for by the panel Advocate belonging to the respondent bank was not properly followed up and cleared. The scheme specifically provides that the educational loan cannot be offered, where the course period has already come to an end. In the present case, admittedly the course period has come to an end during the academic year 2020-21.

9. In view of the above discussions, this Court is not inclined to grant the relief as sought for by the petitioner. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 M/s.H.ARUMUGHAM, Advocate (SR-20004[F] dated 23/06/2021)

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