



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1591 of 2021

and

C.M.P(MD)No.6768 of 2021

V.Udayalakshmi

... Appellant / Petitioner

Vs.

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 / Respondents

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 21.06.2021 made in W.P(MD)No.840 of 2020 on the file of this Court.

Prayer in WP(MD).840/2020:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 Education Loan Rs.5,20,000/- to the petitioner for studying her 1st year and subsequent years in B.Sc., Nursing Course based on the petitioners online application Dated 30.10.2019.

For Appellant : Mr.A.D.Ganeshamoorthi



JUDGMENT

(Judgment of the Court was delivered by
M. DURAISWAMY, J.)

Challenging the order, dated 21.06.2021 passed in W.P(MD)No.840 of 2020, the writ petitioner has filed the above Writ Appeal.

2.The appellant filed the Writ Petition to issue Writ of Certiorarified Mandamus, to call for the records of the second respondent pertaining to the impugned order, dated 17.12.2019 and to quash the same and consequently directing the second respondent to sanction the educational loan of Rs.5,20,000/- to the petitioner for studying first year and subsequent years in B.Sc Nursing Course, based on the appellant's on-line application, dated 30.10.2019.

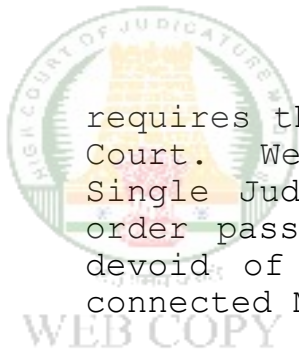
3.It is the case of the appellant that after the completion of +2, she applied for educational loan in the second respondent Bank on 30.10.2019. The application was rejected by the second respondent Bank by the impugned order dated 17.12.2019 stating that the appellant had obtained only 54.50% marks in +2, whereas the cut-off for getting an educational loan was 60%. Challenging the said order, the appellant filed the Writ Petition.

4.It is brought to the notice of this Court that the appellant had also filed another Writ Petition in W.P(MD)No.25621 of 2019 to issue a Writ of Mandamus, directing the second respondent to sanction educational loan of Rs.5,20,000/- to the petitioner for studying her first year and subsequent years in B.Sc Nursing Course.

5.The learned Single Judge by order dated 18.12.2019 dismissed the Writ Petition in W.P(MD)No.25621 of 2021 finding that the appellant had obtained only 54.50% marks, which is less than the eligibility cut-off mark of 60%. The learned Single Judge while dismissing the Writ Petition also observed that the second respondent Bank cannot grant any loan beyond the circulars and policies of RBI.

6.The appellant has not challenged the order passed in WP(MD) No.25621 of 2019 dated 18.12.2019 and the same has become final. Now after passing of the impugned order, dated 17.12.2019 the appellant has filed the second Writ Petition in W.P(MD)No.840 of 2021.

7.The learned Single Judge, taking into consideration the case of both parties and also the order passed in the earlier Writ Petition on the ground that the grounds raised in the present Writ Petition are similar to the grounds raised in the earlier Writ Petition, dismissed the Writ Petition. Further the learned Single Judge observed that the appellant having not filed an appeal as against the order passed in WP(MD)No.25621 of 2019 on the same ground cannot file another Writ Petition and judicial discipline



requires that there must be consistency in the orders passed by this Court. We totally agree with the observations made by the learned Single Judge and we do not find any ground to interfere with the order passed in the Writ Petition. Accordingly the Writ Appeal is devoid of merits and same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /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.

To

- 1.The General Manager,
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- 2.The Branch Manager,
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RS (26.08.2021) 3P 3C