



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1276 of 2019

and

C.M.P(MD) .Nos.12407 and 10908 of 2019

1.The Regional Manager,
State Bank of India,
Madurai.

2.The Manager,
State Bank of India,
Y.Othakadai, Madurai.

... Appellants/
Respondents Nos.1&2

Vs.

1.R.Gayatri

...1st Respondent/Petitioner

2.State of Tamil Nadu,
rep., by the Secretary,
Adidraavidar and Tribal Welfare Department,
Fort St.George, Chennai 600 009.

3.Air Carnival Aviation Academy,
rep., by Principal,
Pollachi Main Road,
Othakalmandapam,
Coimbatore 641 032.

... 2nd & 3rd Respondents/
3rd & 4th Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 15.10.2019 made in W.P. (MD)No.16634 of 2019.

Prayer in WP(MD) . 16634/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To directing the 2nd respondent to avail educational loan to the petitioner under Vidhya Educational Loan Scheme in Loan Application ID No.275060 dated 31.05.2018 and consequently direct the 2nd respondent to reconsider the educational loan application rejected on 09.04.2019 by reference letter MDU LBO CMCELL 9 GJ 2019 and pass such other or further orders as this Court may deem fit and proper in the circumstances of this case.



For Appellants : Mr.V.P.Rajan
For Respondent : Mr.R.Saravanakumar (for R1)
Mr.A.Muthukaruppan
Additional Government Pleader (for R2)

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JUDGMENT

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

This appeal has been preferred by the appellants aggrieved over the order of the learned Single Judge, who directed the appellants to extend the benefit of educational loan, notwithstanding the fact that the parents of the applicant did not have the requisite CIBIL score as they have other outstanding loans.

2.The learned Single Judge of this Court has passed the following order:

".....

2.To be noted, fourth respondent has been duly served and name/address of fourth respondent is shown in the cause list. This Court is informed that fourth respondent has not chosen to enter appearance through any counsel. There is no representation for fourth respondent at the hearing, though the name of fourth respondent was called out aloud thrice in the Court hall and in the adjoining corridor.

3.With the consent of aforementioned three counsel, main writ petition is taken up, heard out and is being disposed of.

4.Central theme of instant writ petition is an application by writ petitioner seeking educational loan under Vidhya Lakshmi Educational Loan Scheme vide loan application ID 275060 dated 31.07.2018 seeking Rs.3,30,000/- (Rupees Three Lakhs Thrity Thousand only) being total fee for a three years course being a degree course, namely 'B.Sc.Aircraft Maintenance Engineering' (hereinafter 'said course' for brevity) having secured admission for the same in the 'fourth respondent college', which shall hereinafter be referred to as 'said college' for the sake of convenience and clarity and rejection of said educational loan application vide a communication dated 09.04.2019 from said bank (hereinafter referred to an 'impugned order' for the sake of convenience and clarity). In this regard, it is necessary to mention that this 09.04.2019 document is in the



nature of a communication from said bank. There are two aspects of this matter. First aspect is, drawing the attention of this Court to the impugned order, it is submitted without any disputation or disagreement by learned counsel for writ petitioner as well as learned counsel for said bank (by adverting to writ affidavit and counter affidavit) that though the impugned order is addressed to the Lead District Manager, Canara Bank, St.Mary Campus, East Veli Street, Madurai, writ petitioner's educational loan application has been made to said Bank. The second aspect is, though this is in the nature of communication, as this is effectively a communication vide which writ petitioner's educational loan application has been rejected and as this is the epicenter of this writ petition, the same is being referred to as 'impugned order' in preference to 'impugned communication'. To be noted, prayer in the writ petition seeks only a mandamus regarding educational loan, but, at the hearing a request was made to treat this as a writ petition assailing the impugned order, as the writ petition has been filed after rejection of educational loan vide impugned order. In the normal circumstances, this Court would have taken a different view, but considering the peculiar facts and circumstances of instant case, which shall be alluded to infra in paragraphs to follow, this Court treats this writ petition as one assailing the impugned order also inter-alia by treating the same as prayer under residuary limb of the prayer which seeks 'such other or further orders deemed fit and proper' to be passed by this Court. Further, to be noted, in the prayer, the date of loan application has been wrongly mentioned as 31.05.2018, whereas the correct date of loan application is 31.07.2018 as mentioned above.

5.A brief mention about the background of writ petitioner student is that she belongs to a community which is recognised as a Scheduled Caste (community certificate dated 29.12.2006 has been enclosed in the typed set of papers); that her father one K.Ravi is working in Madurai Corporation and has been diagnosed of brain tumor; that writ petitioner has passed XII standard examination being State Board of School Examinations, Tamil Nadu conducted by Department of Government Examinations, Chennai in March 2017; that writ petitioner has secured 977 out of 1200 which is 81.4% aggregate. Though not articulated in the affidavit and though it has been



mentioned in the affidavit that writ petitioner's father is working in the Madurai corporation, at the hearing on instructions, learned counsel for writ petitioner submitted that writ petitioner's father is working as a sanitary worker in Madurai Corporation.

6.Aforesaid educational loan application of writ petitioner seeking Rs.3.3 lakhs educational loan for said course in said college for which she secured admission in the academic year 2017-2018 was rejected by said bank vide impugned order saying that the CIBIL score of writ petitioner's father and mother are 545 and 300 (respectively). In other words, writ petitioner's educational loan application was rejected on the ground that writ petitioner's father is a defaulter qua said bank. To be noted, this Court is informed that "CIBIL" stands for 'Credit Information Bureau (India) Limited'.

....."

3.An affidavit has been filed by a third party stating that the person by name A.Yosabath Immanuvel, S/o.Augustin Maduram would stand as Co-guarantor.

4.The learned counsel for the appellants submitted that if the aforesaid person satisfied with the norms, the request for granting loan would be considered on the peculiar facts of the case.

5.Considering the above, we direct the appellants to consider the case of the first respondent/petitioner for the grant of loan by making the deponent of the affidavit, namely A.Yosabath Immanuvel, S/o.Augustin Maduram as the co-borrower, subject to the satisfaction of the norms. An appropriate decision will have to be taken by the appellants within a period of four weeks from the date of receipt of a copy of this judgment. We make it clear that on the peculiar facts of the case, this order is passed.

6.With the above directions, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RMK



To

The Secretary,
State of Tamil Nadu,
Adidraavidar and Tribal Welfare Department,
Fort St.George,
Chennai 600 009.

+1 CC to Mr.R.SARAVANA KUMAR, Advocate (SR-7357[F] dated 25/02/2021)

Order made in
W.A. (MD)No.1276 of 2019 and
C.M.P (MD) .Nos.12407&10908 of 2019
25.02.2021

SRK(CO)
SRS (18/03/2021) 5P : 3C