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04.03.2022.
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 1220 of 2021
(via video conference)

Ankita Roy
-versus
Union of India & Ors.

Mr. Achyut Basu
…For the Petitioner

Mr. Sudip Kr. Paul
Mr. Saptak Sarkar
… For U.O.I.

Ms. Deblina Lahiri
… for SBI

The prayer of the petitioner for grant of education loan has been declined by the system of the State Bank of India due to low application score i.e. 44, grade 6.

The petitioner applied for education loan for pursuing higher education. She has taken admission in the 'GNM Nursing' course in Sri Venkateshwara Institute of Nursing Sciences, Bangalore.

The objective of the scheme for granting education loan mentions that for providing financial support to meritorious students for pursuing higher education the loan may be provided.

The emphasis of the scheme is that a meritorious student, though poor, is provided with an opportunity to pursue education with the financial support from the banking system. Indian national students having secured admission to a higher education course in recognized institutions in India through entrance test / merit based selection process after completion of 10+2 Examination is eligible to secure the loan. For the loan amount upto Rs.4 lakh no security is required and the parents are to the joint borrowers. However, bank has the discretion to waive this clause.

The petitioner applied for a loan within the limit of Rs.4 lakh. The application of the petitioner stood rejected due to low application score.

Learned advocate representing the bank is unable to give the details as to how the application score is calculated.

It has been submitted that in the event, the petitioner is aggrieved by the rejection of her application for loan, then the petitioner ought to have approached the banking Ombudsman for relief. The petitioner ought not to have invoked the high prerogative writ jurisdiction of this Court.

From the submissions made on behalf of the parties and upon perusal of the documents annexed to the writ petition it appears that the impugned order of rejection mentions that the bank is not in a position to sanction the loan as per bank's instructions and guidelines. No such instruction and guideline have been shown before this Court relying upon which the application of the petitioner stood rejected. No such guideline or instruction has also been disclosed in the impugned order of rejection.

In view of the above, the instant writ petition is disposed of by directing of the respondent no. 8, the Branch Manager, State of Bank of India, Maynaguri to reconsider the prayer of the petitioner for grant of education loan strictly in accordance with the scheme permitting such loan to meritorious students for pursuing higher education. The consideration shall be made at the earliest but positively within a period of six weeks from the date of communication of a copy of this order.

The said respondent shall give a reasonable opportunity of hearing to the petitioner to produce all the relevant documents in support of the application for loan. The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)