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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.23123 of 2019

V.Sakunthala

...Petitioner

Vs

Indian Bank,
Rep. by its Branch Manager,
Nellikuppam Branch,
Nellikuppam,
Cuddalore District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to sanction the educational loan of Rs.3,91,500/- applied for the Petitioner's daughter viz., V.Poonguzhali, who is studying B.Sc., Nursing course first year in Goldfinch College of Nursing, Bangalore, within the time to be fixed by this Court.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : No Appearance

O R D E R

The petitioner, who is the mother of one V.Poonguzhali has filed this writ petition seeking a mandamus directing the respondent to sanction an educational loan for her daughter who had, at the time of filing of writ petition, being admitted to B.Sc. Nursing course in Goldfinch College of Nursing, Bangalore.

2.The petitioner claims to belong to the Adi Dravidar community and states that belonging to the economically weaker section, the family is unable to bear the strain of the fees as imposed by the College. Hence, the petitioner has approached the respondent seeking an education loan. The respondent had sought certain documents which were furnished by the petitioner but, even thereafter there has being neither an order of sanction nor rejection.



3.A representation has been given on 04.02.2019 to the District Collector, Cuddalore District seeking the same relief, that was referred to the District Level Bankers Committee. The Committee vide letter dated 13.02.2019 has forwarded the representation to the Bank, for appropriate action, but there is no progress thereafter.

4. There is no appearance for the respondent today, despite the name of Mrs.S.R.Sumathy being printed in the cause list. A counter has been filed, wherein the respondent would submit that the grant or otherwise of the loan is at the discretion of the bank and in line with the policies in connection thereof.

5. However, it does not behove a nationalized bank to sit upon an application for education loan filed by an applicant for this long without either granting or rejecting the same leaving the applicant in a state of suspended animation.

6. In similar matters that have come up before this Court, it has become a convenient ruse for the bank to state that, on account of the pendency of the writ petition for several years, the applicant has completed the educational course and thus the writ petition is itself rendered infructuous.

7. However, in the present case, the candidate is stated to be in the 4th year of the course and thus her status as a student continues. She states that she has been meeting the fee requirements by availing loans from individuals/private entities at usurious rates of interests.

8. Let orders be passed on the loan application of the petitioner within a period of three (3) weeks from today, after hearing the petitioner, for which purpose, the petitioner will appear before the respondent / Branch Manager on 25.03.2022 at 10.30 a.m. without expecting any further notice in this regard. This writ petition is disposed in the above terms. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



vs

To

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The Branch Manager,
Indian Bank, Nellikuppam Branch,
Nellikuppam, Cuddalore District.

+1cc to Mr.M.Vijayaragavan, Advocate, S.R.No.18527

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MG[co]
NSK 28/03/2022