10th August, 2023
(AK)
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W.P.A 2074 of 2023

Masud Saikh
Vs.
The State of West Bengal and others

Ms. Chandrani Bhattacharya
...for the petitioner.

Mr. Debangshu Dinda
...for the State.

Mr. S. Sinha
Mr. Debashis Saha
...for the SBI.

Learned counsel for the petitioner alleges that the petitioner applied for a student loan to pursue his study in law and initially the Punjab National Bank was assigned to grant such loan.

Subsequently, the Higher Education Department of the Government of West Bengal assigned the State Bank of India to issue such loan.

When the petitioner approached the State Bank of India, Dak Bunglow Branch, the same was refused, apparently on the ground that the said branch had no facilities to extend education loan.

Learned counsel for the respondent-Bank submits that the Bank is not averse to issuing such loan, subject to the petitioner complying with all formalities and submitting the necessary documents in that regard.

A perusal of the concerned Notification dated June 30, 2021, which has been relied on by both sides, indicates that Clause 5 thereof speaks about student eligibility and the process of applying for education.

Sub-Clause (a) thereof stipulates that the student seeking loan under the scheme should be an Indian national and resident of West Bengal for the last 10 years and a self-declaration by the student, as appended in the application form, would accepted.

Clause (b) speaks about the student having himself enrolled for higher studies, including the courses as stipulated therein, or studying in various coaching institutes as approved therein.

Sub-Clause (c) provides that the aspiring student will apply online as per the format given at Annexure-I through a web-based portal to be maintained by the Higher Education Department through the respective School/Madrasah/College/University/Institute in which he has got enrolled. The portal will have a dashboard for each such student, which shall be accessible to the Institutes concerned, the Department and the Bank.

Sub-Clause (d) says that the interested students should not be aged more that 40 years at the time of applying.

The rest of the sub-Clauses and Clause 5 does not, however, speak about any other document to be furnished by the student for getting loan.

Sub-Clause (g), relied on by the Bank, merely stipulates that the concerned Bank will sanction the applications after “due examination” and issue the credit card in physical form based on the recommendation given by the Department and upon complying necessary formalities by the student/guardian/parent as required under the RBI guidelines.

As such, since the present petitioner has already applied in terms of Clause 5, in the format as prescribed in Annexure-I, no further documents apart from those stipulated in Clause 5 and stipulated by Notification dated June 30, 2021 are required to be furnished.

The limited authority of the respondent-Bank is only to scrutinize the same.

Accordingly, WPA 2074 of 2023 is allowed, thereby directing the respondent nos. 3 and 4 to ensure that the application for educational loan of the petitioner is processed within a week from date and, if the petitioner has submitted the form in compliance with Clause 5 of the Notification dated June 30, 2021 and complies with the criteria of the said Notification, to immediately disburse the loan-in-question in favour of the petitioner, preferably within three weeks thereafter.

The parties shall act on a server copy of this order without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)