

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9798 of 2023

Ratri Chatterjee
Vs.
Union of India & Ors.

Mr. Achyut Basu,
Ms. Punam Basu,
Mr. Rupchand Chakraborty,
Ms. Pritha Biswas
...for the petitioner

Mr. Sudipta Maiti
...for the Union of India

Mr. Debashis Saha
...for the State Bank of India

Learned counsel appearing for the petitioner submits that the petitioner applied for educational loan from respondent-State Bank of India on the strength of her certificate from the West Bengal Nursing Council. It is contended that as per the objectives of the relevant scheme, that is, the Educational Loan Scheme for pursuing higher education in India and abroad, the Educational Loan Scheme outlined thereinbelow aims at providing financial support from the banking system to meritorious students for pursuing higher education in India and abroad. The main emphasis is that a meritorious student, though poor, is provided with an opportunity to pursue education with the financial

support from the banking system with affordable terms and conditions.

Clause 3 of the said Scheme provides for the applicability of the Scheme, where it is stipulated that the said Scheme could be adopted by all member-banks of the Association or other banks and financial institutions as may be advised by the Reserve Bank of India. The Scheme provides broad guidelines to the banks for operationalising the educational loan scheme and the implementing bank will have the discretion to make changes as deemed fit.

In the present case, it is submitted, the application of the petitioner was refused on the ground that INC (Indian Nursing Council) approval was not available as on that date.

Learned counsel submits that the same is not a valid reason for refusal. In such context, learned counsel for the petitioner places reliance on a decision of a learned Single Judge of the Kerala High Court where it was observed that education is a matter of great importance for the development of human resources and empowerment of the country and is progressively moving into the domain of private sector and has become a very costly affair in course of time and that there is a need for institutional funding in the area to ensure that no deserving student is denied the

opportunity to pursue higher education for want of financial support.

Learned counsel also places reliance on a judgment of a coordinate Bench of this Court rendered in W.P.A. No. 13053 of 2021 where, in a similar case, the matter was remanded to the concerned bank and it was observed that if the writ petitioner is able to demonstrate before the respondent-authorities that any of the institutions into which she was admitted is approved by the Indian Nursing Council, the same may be communicated to the bank after taking back the original application materials.

Learned counsel appearing for the respondent-bank controverts such contention and places reliance on the provisions of the Indian Nursing Council Act, 1947. It is submitted that as per the said Act, which governs the field, it is only the Indian Nursing Council which can recognize a particular institution. It is submitted that within the said Scheme, the State Nursing Council, particularly that of West Bengal, is not recognized for the purpose of granting of such certificate and/or issuance of educational loan.

Learned counsel for the Bank also hands over a copy of list of the State Nursing Councils and recognized Institutions offering GNM Programme Inspected under Sections 13 and 14 of the INC Act for the Academic Year 2021-2022 and it is argued that the

West Bengal Council, from which the petitioner claims to have a certificate, is not one of such recognized councils.

Be that as it may, insofar as the refusal of the bank is concerned, it is apparent from Annexure P-3 at page 29 of the writ petition that the only reason thereof was that INC approval was not available as on that date.

However, it is seen from the objectives of the Educational Loan Scheme, as rightly contended by the petitioner, that the same is a beneficial piece of government scheme for the purpose of assisting financially indigent students who are otherwise capable of showing their potential for higher education, but are unable to do so merely for the lack of financial support. Keeping in view the object of such scheme, the rejection of the petitioner's application in the present case is cryptic and does not take into consideration whether the Council from which the petitioner obtained a certificate, that is, the West Bengal Nursing Council, and the institutes covered thereunder, are qualified for the purpose of making the petitioner eligible to claim the benefit of the Scheme.

In any event, under the caption "Courses Eligible" in Clause 5.1 of the Scheme, the expression used is "Indian Nursing Council or any other regulatory body as the case may be, if the course is pursued in India".

Note-1 thereunder also stipulates that the above list is indicative in nature. Banks may approve other job-oriented courses leading to technical/professional degrees, etc., offered by recognized institutions under the Scheme.

Other courses than those offered by reputed institutions may also be considered on the basis of employability in terms of Note-2 under the eligibility criteria as stipulated under the Scheme itself.

Hence, within the broad scope of the said scheme, it was well within the authority of the concerned bank to consider the case of the petitioner in a lenient perspective, particularly keeping in view the financial condition of the petitioner and the fact that the scheme was floated with the objective of benefiting such candidates.

Be that as it may, in the absence of further details, particularly in view of the fact that no specific reasons, apart from the INC approval not being available as on that date, having been given by the Bank, the court is not in a position to decide the merits of the case regarding the claim of the petitioner.

Be that as it may, W.P.A. No. 9798 of 2023 is disposed of by remanding the matter to the respondent-bank, that is, the State Bank of India, directing the said bank and its concerned officials to reconsider the application of the petitioner for getting

the benefit of the education loan scheme-in-question, upon taking into consideration whether the diploma/degree obtained by the petitioner can be brought within the wider purview of the Educational Scheme for the purpose of giving such loan.

Such exercise, it is expected, shall be completed within a month from date, keeping in view the urgency of the petitioner in pursuing her academic career in her higher education in the field of nursing.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)