OD-1

ORDER SHEET

WPO/194/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMRIDHI SINHA
VERSUS
PUNJAB NATIONAL BANK AND ORS.

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 26th April, 2023

Appearance:
Mr. Tapash Kr. Dey, Adv.
Mr. Ashish Kr. Dutta, Adv.
Ms. Saswati Ghosh Sinha, Adv.
..for the petitioner

Mr. Proloy Kar, Adv.
Ms. Debasree Dhamali, Adv.
Ms. Riya Ghosh, Adv.
..for the respondent Bank

Mr. Amal Roy, Adv.
Mr. Rajib Mullick, Adv.
Ms. Shreyashi Maity, Adv.
…for the respondent no. 4

Ms. Tuli Sinha, Adv.
...for the State

The Court: The petitioner is a student of Brainware University and is in the 7th Semester of the course. The petitioner is studying law.

The petitioner is aggrieved by a letter dated 11th February, 2022 issued by the Punjab National Bank refusing the petitioner's application under the West Bengal Student Credit Card Scheme, seeking an education loan and asking the particular Branch of the Bank to explore the availability of any other co-borrower apart from the parents of the petitioner. The additional condition was that the co-borrower should have a good credit history.

The statement made in the impugned letter has been explained on behalf of the Bank as essentially the father of the petitioner having a low CIBIL score.

Admittedly, the petitioner's father does not have a good credit history which is the reason given by the Bank to reject the petitioner's application under the particular Scheme.

The West Bengal Student Credit Card Scheme is the relevant Scheme in the present case. Rule 8(b) of the said Scheme provides, *inter alia*, that the Banks will not insist on any security or co-lateral security in any tangible/intangible form other than the co-obligation of the parents/legal guardians. The said Rule further provides that the State Government will enter into an agreement with the Banks separately in this regard. The main purpose of this Scheme is to give an opportunity to needy students to pursue their education in the face of financial challenges. Naturally, therefore, the only assumption is that students who are not from well-to-do backgrounds will seek the benefit of the Scheme. It may be the case that the parents of the students may not have a favourable credit history. The Scheme was floated to facilitate those students who need financial assistance from the State for pursuing their educational aspirations.

As noted in an order passed by this Court in *Irina Mullick vs. The State of West Bengal & Ors.* (WPA/5134/2022), the Scheme does not answer the gaps in some of the Rules including Rules 6 and 8 where an applicant may not have a co-borrower other than the parents.

In any event, the amount sought for is only Rs.2 lakhs in the present case.

The petitioner needs this amount to complete her LLB Course. The Bank is hence under an obligation to act in accordance with the Scheme and not insist upon a co-borrower other than the petitioner's parents. The Bank's insistence on a third party surety is also inconsistent with the amount claimed by the petitioner.

The State, which is represented, shall ensure that the petitioner gets the benefit of the Scheme floated by the State Government, provided the petitioner is eligible for it otherwise under the Rules contained in the Scheme.

The petitioner is directed to ensure through written declarations/undertakings or otherwise that the amount of the loan taken shall be returned by the petitioner in compliance of the terms agreed to between the petitioner and the concerned Bank. The petitioner is given leave to make a fresh application under the Scheme to the Bank within the shortest time possible and the Bank shall thereafter process the application along with the assistance required from the State Government. The Bank is directed to process loan within two weeks from the date on which the Bank receives the application of the petitioner. The exercise to be undertaken by the Bank shall include the necessary approval from the State Higher Education Department. The Bank will take necessary steps in this regard.

The State Government will take necessary steps as required under the Rules of the Scheme.

Learned counsel appearing for the Brainware University submits that the University is not a necessary party and further that the fees for at least four semesters remain outstanding. This Court is also of the view that the said University is not a necessary party to the writ petition and should have been deleted from the array of parties at the very first instance.

WPO/194/2023 is disposed of accordingly.

(MOUSHUMI BHATTACHARYA, J.)

bp.