BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.21912 of 2022
and
W.M.P.(MD)Nos.16064 and 16065 of 2022

Balakrishnan Ambrose ... Petitioner

Vs.

1. The Chief Manager,
   State Bank of India,
   Retail Asset Credit Centre,
   Kalkulam,
   10/31, Eraniel Road,
   Opposite to Court,
   Thucklay,
   Kanyakumari District - 629 175.

2. The Branch Manager,
   State Bank of India,
   Karungal Branch,
   Kanyakumari District. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent in RACC/KALKULAM/CREDIT/2021-22, dated 12.08.2022 and to quash the same and consequently, direct the respondents Bank to sanction the educational loan for a sum of Rs.4,00,000/- (Rupees Four Lakhs only) for the petitioner's daughter Ashika's B.Sc., Nursing Course.

For Petitioner	:	Mrs.M.Anbarasi
For Respondents	:	Mr.Alaghuram Jothi

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order issued by the first respondent, Chief Manager, State Bank of India, Retail Asset Credit Centre, Kanyakumari District in RACC/KALKULAM/CREDIT/2021-22, dated 12.08.2022 and quash the same and to direct the respondents Bank to sanction educational loan for a sum of Rs.4,00,000/- (Rupees Four Lakhs only) for the daughter of the petitioner, by name, Ashika who wants to study B.Sc., Nursing Course.

2. In the affidavit filed by the petitioner, father of Ashika, he had stated that his second daughter had completed Higher Secondary and wanted to pursue B.Sc., Nursing. The course duration is four years. The academic year was from 2021-2025. The College had given a fee structure of Rs.1,34,500/- for the 1st year. The petitioner made an application to the second respondent Bank / the Branch Manager, State Bank of India, Karungal Branch, Kanyakumari District, for educational loan on 30.11.2021. It was rejected on the ground that the petitioner had opened a bank account just before making that application for educational loan. Thereafter, the petitioner borrowed money from his friends and relatives and paid the 1st year college fee. For the 2nd year, the College had given a fee structure for Rs.1,40,500/-.

3. The petitioner claims that he is doing agricultural coolie work and had also suffered with head injury and also had a paralysis attack and could not go for any job. Owing to the poverty of his family, his wife is working in a Net Company as Helper. The petitioner again made a request for educational loan for Rs.4,00,000/- before the second respondent. The

said request was rejected by the first respondent, for the following reasons:

".....

2. Kindly refer our earlier letter dated 02/12/2021. We have returned the proposal stating to ***avail the Education loan from their existing Banker,*** *which as IOB whereas* ***IOB has rejected the proposal on 18/04/2022*** *for stating that respond that "the student has secured low marks in the last qualifying examination". Education loan should be availed from the existing Bankers only.*

3. Moreover, as per our Master circular, under the Education Loan Scheme, ***the Bank extends financial assistance to deserving meritorious students for pursuing higher education*** *in India and abroad. The applicant has scored just 52.67% in her HSc, whereas scored just 29.6% in the theory part of her major subjects of higher secondary as follows:*

1. Physics - 22/70

2. Chemistry - 23/70

3. Botany - 20/70

4. Zoology - 18/70

The above subjects are the backbone for the proposed course whereas the mark secured by the student is not satisfactory for processing the requested loan.

4. Considering all, we hereby reject the request of the student."

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. This Court must express its deepest displeasure at the respondents who have rejected the application filed by the petitioner seeking educational loan. It is not for the respondents to assess the students. It is not for the respondents to categorise a student as undeserving. That would leave a stigma on the student forever in her carrier. The respondents must also realize that there could be very well children of staffs of the respondents Bank who would also undergo the same pain and torture as that of the daughter of the petitioner herein if they are so categorized publicly.

6. While studying, there would always be exams in which good marks would be scored and there would always be exams in which average marks would be scored. But the respondents cannot assess any student on the basis of the marks. The respondents have a public duty to discharge. A direction is issued that the respondents, if the petitioner satisfies other conditions, must extend the educational loan.

7. I am deeply conscious that this Court is passing an order in an issue between a banker and a customer. But still, it is seen that by the reason for rejection the daughter of the petitioner herein has been marginalized in a separate category owing to the only fact that she had not obtained marks as the Chief Manager / first respondent expected a student to get.

8. The marks obtained will always have to be assessed on the economic and social background of every student. The petitioner had very clearly stated that he is an agricultural coolie that had suffered a head injury and had also suffered paralysis attack. In spite of all those circumstances, if the petitioner's daughter had passed the exam, then credit must be given to her. She must be encouraged to do her studies. It is seen that she wants to pursue her B.Sc., Nursing which would require skill in her hands and that can be assessed only through practical training which she gets during the course of her education.

9. The reasons assigned do not withstand the scrutiny of this Court and are straightaway rejected. A direction is given to the respondents

to consider the application of the petitioner afresh and if at all obtain further assurance that the daughter would complete her course within the normal period, and then proceed further to grant educational loan.

10. This Writ Petition is allowed with the aforesaid directions. The loan must be disbursed within a period of six weeks from the date of receipt of a copy of this order, if the petitioner satisfies all other conditions as required. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

24.03.2023

NCC: Yes
Index : Yes
Speaking Order : Yes / No

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