HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 23558 of 2024

Afsona Khatun

Versus

The State of W.B. & Ors.

For the petitioner	Mr. Sourav Mandal Mr. Abhirup Halder Mr. Rony Mondal
For the State	Mr. Shamim Ul Bari
For the respondent nos. 3 & 4	Mr. Shiv Mangal Singh

Heard on : 27.11.2024

Judgment on : 27.11.2024

JAY SENGUPTA, J:

This is an application praying for a direction upon the respondent no. 4 to disburse the loan amount under the Student Credit Card Scheme into the bank account of petitioner as early as possible.

No one appears on behalf of the Nursing Institute despite service.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner wants to pursue a course of nursing at the Falta JIS Nursing Institute, Falta, South 24 Parganas. The required loan amount for pursuing such course would be about Rs. 4,72000/-. The petitioner applied for student credit card under the Student Credit Card Scheme of the State Government (Vide Notification dated 30.06.2021). But, the respondent nos. 3 and 4/ bank rejected the prayer purportedly on the ground that the petitioner's father was having a low CIBIL score. The same situation arose in the case of Irina Mullick –vs- The State of West Bengal & ors, WPA 5134 of 2022 where this Court, by an order dated 01.04.2022, allowed the petitioner to avail of the facilities of the Student Credit Card Scheme.

Learned counsel appearing on behalf of the respondent-bank denies the allegations and submits as follows. First, according to the Gazette notification, if at all a student loan is granted, the same should go directly to the Institution and not to the candidates' bank account. Secondly, the bank has to abide by the RBI Guidelines and take good care of the money deposited in the bank. In case of low CIBIL score, some other alternative has to be proposed by the petitioner and an agreement in this regard has to be entered into to show how the sum would be repayed.

Learned counsel appearing on behalf of the State submits that the State, on their part, have complied with all the formalities.

It appears that the issue of low CIBIL score of a proposed co-borrower/ father of a candidate came up for decision in Irina Mullick (supra). There it was held that a low CIBIL score of the father/co-borrower of a candidate should not come in the way of the student availing of the benefit of Student Credit Card Scheme. However, certain anomalies were pointed out in the Scheme and the State was asked to deal with the same. For instance, if a candidate is an orphan or a destitute then how does he avail of the benefit of such scheme.

As in the case of Irina Mullick (supra), the petitioner had applied for the loan with the father as co-borrower and the same was rejected. There is also a peculiar technical issue that once such loan is applied for and is rejected, a second application cannot be made. This issue was also dealt with in Irina Mullick (supra). Relying on the same, the petitioner can fairly make another application through a different E-mail with his mother as a co-borrower.

Therefore, the technicalities or the low CIBIL score of the father of the candidate should not come in the way of the student availing of such benefit.

Clause 10 of the notification dated 30.06.2021, if read with a subsequent amending notification dated 13.08.2021 would imply that 30 % of the loan amount can be disbursed to the students' account for certain purposes. The rest of it is meant for institution fees and the like has to be directly debited to the account of the Institution.

In view of the above discussions and in the interest of justice, the respondent nos. 3 and 4 are directed to grant students credit card facilities/loan to the petitioner for the purpose of pursuing a course of nursing at the said college in accordance with law and at the earliest. For the such purpose, the petitioner shall apply afresh for such facility before the bank authorities along with his mother as a co-borrower and with a different E-mail ID, within a week from this date. Within three weeks thereafter, the respondent bank authorities shall take appropriate steps to have the loan amount disbursed under the said scheme to the petitioner in terms of the observations made above. For such purpose, if the bank requires, an agreement providing a scheme for repayment of the sum shall be entered into by the petitioner and the co-borrower with the bank. The concerned nursing institute shall also take appropriate steps to forward the application to the higher education department. The concerned Higher Education Department of the State shall take appropriate steps in this regard to open the portal concerned for the petitioner to apply in such fashion.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J)

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