



WEB COPY



W.P.No.19804 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19804 of 2021

P.Thivagarar

...Petitioner

-Vs-

1. The Chief Manager,
Customer Service Department,
Indian Overseas Bank,
Anna Salai, Chennai.

2. The Regional Manager,
Indian Overseas Bank,
ECR Road, Pondicherry.

3. The Manager,
Indian Overseas Bank,
Petty Bazzar Branch,
Lal Bahadur Sastry Street,
Pondicherry – 605 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to sanction the subsidy to Educational Loan availed by the petitioner on 19.02.2014 under Subsidy Scheme Loan, by considering the representation dated 20.07.20. and 19.04.2021 within a time to be stipulated by this Court.

For Petitioner : Mr.P.Ganesan

For R1 to R3 : Mr.Ananda Gomathy



W.P.No.19804 of 2021

ORDER

WEB COPY

This Writ Petition has been filed for direction directing the respondents to sanction the subsidy to Educational Loan availed by the petitioner on 19.02.2014 under Subsidy Scheme Loan, by considering the representation dated 20.07.2020 and 19.04.2021 within a time to be stipulated by this Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was selected by CENTAC during the year 2013, to study MBBS course and he was allotted at M/s Vinayaga Mission Medical College at Karaikal. The petitioner, being poor was unable to pay the fees and as such, approached the respondents for educational loan. The respondents Bank had sanctioned a sum of Rs.15,00,000/-. During the year 2017-2018, the petitioner had successfully completed his medical course. However, the petitioner is facing much difficulties to repay the said loan amount, since his father had already died.



W.P.No.19804 of 2021

4. While being so, the Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division) has considered and decided to accept the Model Scheme prepared by IBA for implementation, subject to the modifications that no security may be insisted upon for loans upto Rs.4 Lakhs. However, for loans above this amount, collateral security of suitable value or co-obligation of parents/guardians/third party along with the assignment of future income of the student for payment of instalments may be obtained. The objectives of the said scheme were financial support to deserving/meritorious students for pursuing higher studies. Therefore, the petitioner's father, while he was alive submitted a representation dated 10.02.2020 requesting to sanction subsidy for the educational loan. However, it was not considered and as such, once again the petitioner submitted a representation.

5. The respondents filed counter and the learned counsel for the respondents submitted that the petitioner's father already approached the Bank for the very same relief and the same was rejected. Once again, the petitioner approached this Court for the very same relief. Further, the loan which was availed by the petitioner is under IOB Scholar Scheme. However, while



W.P.No.19804 of 2021

opening the loan account, the respondents had inadvertently opened the loan account under the Vidyajothi Scheme. Therefore, the petitioner was initially credited with subsidies. Later, it was objected and the wrongful credit was immediately stopped. That apart, they have signed the loan under the credit scheme viz., IOB Scholar Scheme. Therefore, the petitioner is not entitled for any subsidy. That apart, the scheme of Vidyajothi is meant for economically backward people.

6. Therefore, the request made by the petitioner cannot be considered and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

22.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn



WEB COPY



W.P.No.19804 of 2021

To

1. The Chief Manager,
Customer Service Department,
Indian Overseas Bank,
Anna Salai, Chennai.
2. The Regional Manager,
Indian Overseas Bank,
ECR Road, Pondicherry.
3. The Manager,
Indian Overseas Bank,
Petty Bazzar Branch,
Lal Bahadur Sastry Street,
Pondicherry – 605 001.



WEB COPY



W.P.No.19804 of 2021

G.K.ILANTHIRAIYAN. J,

mn

W.P.No.19804 of 2021

22.04.2024