BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 16.02.2024

Pronounced On : 13.05.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.799 of 2021
and
W.M.P.(MD)No.662 of 2021

Tirumalai Nambi ... Petitioner

Vs.

1.The Branch Manager,
South Indian Bank,
Door No.2G/2 RMKG Building,
Madurai Road,
Tirunelveli,
Tirunelveli District.

2.The Deputy General Manager,
South Indian Bank,
Madurai Regional Office,
First Floor, YMCA Building,
Opposite Astoria Hotel,
70 Feet Road, Elli Nagar,
Madurai.

3.The Principal,
Sri Ramankrishna Institute of Technology,
Post Box No.2601, Pachapalayam, Perur,
Chettipalayam,
Coimbatore 641 010. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings issued by the first respondent in his proceedings No.BR/BM/9/2019-20, dated 15.09.2019 and quash the same and consequently, directing the respondents 1 & 2 to forthwith release the educational loan in favour of Yogiram son of Thirumalai Nambi a sum of Rs.4.00 Lakhs on the basis of his application 06.07.2019 within a time stipulated by this Court.

For Petitioner : Mr.A.Shajahan

For Respondents : Mr.ARM.Ramesh
for R1 & R2

: No appearance for R3

ORDER

The writ petitioner's son Thiru.Yogiram completed his higher secondary education in March 2018. He secured 779 / 1200 marks (63.25%). He joined B.E (Mechanical Engineering) course in the third respondent college under management quota. The petitioner applied for education loan from the first respondent. The application was rejected vide communication dated 15.09.2019. Challenging the same, the present writ petition came to be filed.

2. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He relied on the decisions reported in ***2014 (4) CTC 363 (Branch Manager, Indian Overseas Bank Vs. A.Ravi) and 2012 WLR 640 (A.Kasinathan Vs. The Branch Manager, Canara Bank)***. He called upon this Court to grant relief as prayed for.

3. The bank had filed counter affidavit and also typed set of papers. The learned standing counsel took me through its contents. Their stand is that the petitioner's application was considered by applying the relevant banking norms and that the decision making process has not been vitiated by any arbitrariness. The respondents 1 & 2 pressed for dismissal of the writ petition.

4. I carefully considered the rival contentions and went through the materials on record.

5. When the matter was taken up on the earlier occasion, a learned Judge of this Court made the following order:-

> "The first respondent is present in person. His presence is acknowledged. He need not be present again.
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> 2. The petition has been filed seeking grant of educational loan. Among other guidelines of the respondent Bank is that the student who seeks for a loan should obtain minimum of 65% in the core subjects. The petitioner has obtained over all 63.25% and in the core subjects 58.5%. It is contended that the petitioner is not eligible for grant of loan.
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> 3. The learned counsel for the petitioner however still insists that a direction should be given to the respondent to consider the application of the petitioner for educational loan. That would necessarily mean that the Court will have to thrust upon the respondent an unwanted customer or a customer who according to the respondent is not eligible for the loan to be advanced.
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> 4. I leave it to the wisdom of the petitioner because, the petitioner has applied for management quota in a private Engineering College for admission, which necessarily means that the petitioner is ready with financial resources to pay the fees amount. If the petitioner is to seek admission in a Government Engineering College then, the view of the Court would be certainly different but having opted to join in management quota in a private institution it would necessarily mean that the petitioner has to be ready to adhere the necessary conditions."

The petitioner had completed his higher secondary education way back in 2018. The petitioner had joined the engineering course during the academic year 2018-2019. The course period is obviously over. The bank cannot be called upon to sanction any loan at this point of time. Of-course, in the typed set of papers, the petitioner has enclosed the communication dated 09.11.2020 issued by the college informing the petitioner that his son's name has been removed from the roll of students on account of non-payment of fees from 3rd semester onwards. While this Court can express sympathy, it cannot issue any positive direction. The banks do have certain social obligations to meet. But the Court will not be justified in issuing indiscriminate directions. These are matters that will have to be decided by applying appropriate norms. In the typed set of papers, the Revised Guidelines on Model Educational Loan Scheme for pursuing higher education in India and Abroad issued by Indian Bankers Association (IBA) has been enclosed. The petitioner has not been able to demonstrate as to how the said guidelines have been breached in this case. As observed earlier, the petitioner has not scored well in his higher secondary examination. He has not joined in a Government college. He has secured seat only under management quota.

6. In these circumstances, the bank is justified in rejecting the petitioner's loan application. Interference is not warranted. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.05.2024

Index : Yes / No
Internet : Yes/ No
rmi

G.R.SWAMINATHAN, J.

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