



W.P(MD)No.8432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8432 of 2024

N.Arumugavel

... Petitioner

Vs.

1.The Zonal Manager,
O/o.The Zonal Manager,
State Bank of India,
Subramaniapuram 1st Street,
Karaikudi – 623 001,
Sivagangai District.

2.The Manager,
State Bank of India,
Near Kamudi Bus Stand,
Kamudi – 623 603,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide educational loan to the petitioner son within a time frame as fixed by this Court.

For Petitioner : Mr.K.Neelamegam



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For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

Heard both sides.

2.The petitioner seeks educational loan for his son. He is in the fourth year of polytechnic course. Since the petitioner's request was negatived, the present writ petition came to be filed.

3.Counter affidavit has been filed and the learned Standing Counsel took me through its contents. In paragraph 4(e) of the counter affidavit, the following reasons have been set out:

“4(e). With reference to the letter dated 04.03.2024 sent by the petitioner, the respondent bank sent a detailed explanation with the following clarifications: -

“After scrutiny of the application and documents submitted by the applicant, it is observed that,

i.The applicant did not secure admission through the TN Govt. B.E.Counselling Allotment.



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ii.The applicant joined the engineering course (B.E) through lateral entry in the Management quota.

iii.The applicant completed his 2nd-year academics but failed in semester exams which were examined from his academic records.

iv.The CIBIL score of the student was 673 on 20.10.2023 and the CIBIL score of 685 & above is required for non-collateral loans.

v.The co-applicant Shri.N.Arumugavel (Petitioner) has overdue loans availed from other financial institutions.””

The learned counsel appearing for the petitioner asserts that the petitioner is ready to provide unencumbered security for availing loan. If that be so, it is open to the petitioner to approach the respondents seeking mortgage loan with unencumbered security. When merit has to be the sole criteria for granting educational loan and according to the respondents, the student in question has not been found to be meritorious, the writ Court will not be justified in issuing any positive mandamus. These are matter that are better left with the discretion of the Banks concerned. So long as the discretion has not been exercised in an arbitrary manner, the question of interference does not arise at all.



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4. Granting liberty to the petitioner to approach the respondents for mortgage loan, this writ petition is dismissed. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

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