



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 15343 of 2022
AND WMP NO. 22387 OF 2022**

N.Hudson sam kumar
S/o.Nathanael Ramesh,
No.80/34, KatturKattukottai,
Rasipuram, Namakkal 637408.

Petitioner(s)

Vs

1. The District Collector
Namakkal District.
- 2.The District Welfare Officer
District Backward and Minorities
Welfare Department,
Namakkal District.
- 3.The Managing Director
Tamil Nadu Minorities Economic
Development Corporation,
No.807, Annasalai, Chennai 600002.

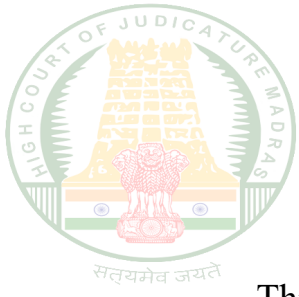
Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to sanction educational loan to the petitioner to pursue his MBBS Course at Philippines University within a stipulated period as fixed by this Honourable Court.

For Petitioner(s): Mr.S.Parthasarathy

For Respondent(s): Mrs.S.Anitha, SGP for R1 & 2
R3 No appearance

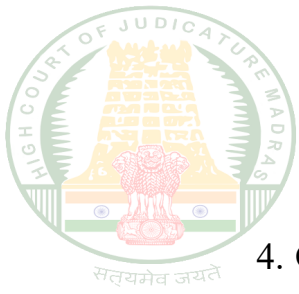


ORDER

This writ petition has been filed to direct the respondents to sanction educational loan to the petitioner to pursue his MBBS Course at Phillippines University.

2. The learned counsel for the petitioner would submit that in terms of Minorities Welfare Guide dated 07.10.2021 issued by the State Government, it has been categorically stated that if any minority student is intend to pursue his higher studies in Abroad, a sum of Rs.6,00,000/- per annum for a period of 5 years, in total to the tune of Rs.30,00,000/-, will be provided to him/her towards educational loan at free of cost. Initially, the petitioner filed an application for educational loan on 16.07.2021 and subsequently, he filed a representation dated 01.03.2022 for availing the benefits in terms of the aforesaid guide. However, till date, no loan amount was sanctioned to the petitioner.

3. Further, he would submit that the petitioner is now studying in 4th year of his MBBS course at Phillippines University. Under these circumstances, if the loan amount was approved, he can very well pay his fee for the subsequent 5th & 6th years of the MBBS Course and also repay the amount borrowed for payment of fee for previous 4 years. Hence, he requests this Court to allow this petition.



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4. On the other hand, by referring the counter, the learned counsel for the 2nd respondent would submit that in this case, on 27.08.2021, the petitioner's application dated 16.07.2021 was forwarded to the Rasipuram Co-operative Urban Bank Limited for consideration. Subsequently, the said Bank considered the application and rejected the same vide letter dated 17.09.2021. Thereafter, the District Central Co-operative Bank, Salem by its letter dated 30.11.2021 informed the petitioner that they will provide individual term loan of Rs.50,000/- on submission of required documents.

5. Further, she would submit that the loan schemes pertaining to minorities are implemented through respective Co-operative Banks. In such case, the conditions laid down by the Banks have to be fulfilled by the individuals prior to the stage of placing the application before the Screening Committee. In the present case, as stated above, the loan application of the petitioner was not recommended by any bank, due to which, it was not placed before the Screening Committee. Hence, she would submit that the respondents are not in a position to process the petitioner's application for education loan and requests this Court to pass appropriate orders.

6. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.



7. In the case on hand, there is no dispute on the aspect that the benefits was granted to the minority students vide Minorities Welfare Guide dated 07.10.2021 issued by State Government. In terms of the said guide, the petitioner, being a Christian Minority, is certainly eligible to avail free educational loan of Rs.6,00,000/- p.a, for his foreign study, for a maximum period of 5 years, i.e., in total, a sum of Rs.30,00,000/-.

8. Initially, an application for educational loan was filed by the petitioner on 16.07.2021. Subsequently, a representation dated 01.03.2022 was also filed before the 1st respondent to grant the benefits available to him under the aforesaid Minority Welfare Guide. However, the said representation was not at all considered by the respondents till date. Further, it was brought to the knowledge of this Court that the petitioner is now pursuing the course of MBBS degree at Philipines University.

9. In terms of the aforesaid Minorities Welfare Guide dated 07.10.2021 issued by State Government, two eligibility criteria that have to be verified are as follows:

- i) whether the individual falls under the category of minority or not and
- ii) whether the individual is pursuing higher studies in abroad or not.

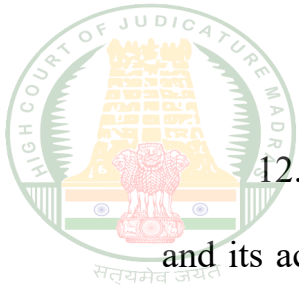
As per the aforesaid criteria, the petitioner, who is a Christian Minority and pursuing MBBS Course at Philipines University, is certainly eligible for



availing free educational loan of a sum of Rs.6,00,000/- per annum for a maximum period of 5 years, i.e., in total Rs.30,00,000/-. In spite of the same, the respondents had rejected the petitioner's application for educational loan, in a mechanical manner, without any application of mind.

10. The Minorities Welfare Guide was introduced in the month of October, 2021 by the State Government, with the intention to encourage and motivate the minority students, in pursuing their higher studies in abroad, by providing certain benefits. However, it is unfortunate to note that the said benefit is only available in papers but it has not been implemented in the case of the petitioner. There is no use of any Scheme, which is kept only in papers unless it has been implemented.

11. As stated above, the petitioner, being a Christian Minority and pursuing MBBS Course at Philipines University, is certainly eligible to avail the benefits under the Minorities Welfare Guide dated 07.10.2021. Accordingly, having belief in the promises made by the State Government vide the aforesaid Guide, the petitioner had proceeded to pursue the MBBS Course in abroad. However, in spite of his eligibility, the said benefits were not at all passed on to the petitioner till date.



12. In a democratic framework, the gap between a policy's announcement and its actual execution will be viewed as a breach of social contract. In other words, if any Scheme is brought in papers but not implemented by the State Government, it would certainly amount to misrepresenting the people. When a Scheme is launched, it will create a legitimate expectation among the citizens. In such case, the State Government should not have indulged in such activities of misrepresenting the general public, by merely announcing the Scheme without any implementation.

13. In such view of the matter, it is unacceptable to reject the petitioner's application by the respondents, in a mechanical manner, by citing the reason that the said application was not recommended by any bank. Also, the said rejection is not in consonance with the policy of the State Government.

14. For all the reasons stated above, this Court is inclined to issue a direction as prayed for in this petition. Accordingly, this Court directs the respondents to sanction educational loan to the petitioner, in terms of Minority Welfare Guide dated 07.10.2021, within a period of 15 days from the date of receipt of a copy of this order. The 1st respondent is directed to verify as to whether the loan amount was sanctioned and disbursed to the petitioner as ordered by this Court.



15. With the above directions, this writ petition is disposed of. No cost.

Consequently, the connected miscellaneous petition is also closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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