

(2011) 07 MAD CK 0245

Madras High Court

Case No: Writ Petition No. 13560 of 2011 and M.P. No. 1 of 2011

V.S. Rajendran

APPELLANT

Vs

The Regional Manager and The
Branch Manager, Indian Bank

RESPONDENT

Date of Decision: July 27, 2011

Hon'ble Judges: D. Hariparanthaman, J

Bench: Single Bench

Advocate: A.B. Fathima Sulthana, for the Appellant; T. Sundar Rajan, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

D. Hariparanthaman, J.

The Petitioner's son passed Plus Two (+2) examinations that was conducted during March 2010 and joined in ECE course at Sri Kalaimagal College of Engineering during August 2010. The duration of the course is 4 years. He has No. sufficient means and borrowed loan from third parties with the high rate of interest and used the same for his son's first year course. In these circumstances, the Petitioner's son applied for Educational loan from the second Respondent Bank for second year, third year and final year B.E.Course.Nothing was informed by the Bank to them. Hence, a representation dated 11.05.2011, was made requesting the Respondent to sanction the Educational Loan. He has filed the present writ petition seeking for a direction to consider the Petitioner's representation for educational loan for his son to pursue B.E.Course at Sri Kalaimagal College of Engineering, Tiruvallur District.

2. The learned Counsel for the Respondent Bank has produced a letter dated 22.11.2010, refusing to sanction the educational loan on the ground that the Petitioner's son obtained very low marks in +2 Examinations.

3. Heard both sides.

4. The issue that arises for consideration is as to whether the Respondent Bank could deny the Educational Loan on the ground that the Petitioner's son obtained very low marks in +2 examinations.

5. The order dated 22.11.2010 of the second Respondent refusing to sanction the educational loan is extracted hereunder:

With reference to the above, the educational proposal has been declined by the Circle Head for the reasons below:

1. The entry level scoring is "CC" which is below the prescribed level.

2. Academic record is poor.

6. The Petitioner's son secured 556 marks out of 1200. The Petitioner's son obtained the following marks in the relevant subjects that are considered for the purpose of admission to B.E. Course.

Mathematics - 100/200

Physics - 114/200

Chemistry - 84/200

7. The AICTE and Anna University prescribe eligibility criteria for admission to B.E. Course. The Petitioner's son obtained the required marks as prescribed by AICTE/Anna University. Thus, he got admission to B.E. Course. He was permitted by the Anna University to write the first year examinations. In these circumstances, the Bank is not correct in refusing the Educational loan on the ground that the Petitioner's son obtained low marks in +2 examinations.

8. The very purpose of granting educational loan without even insisting security for the loan, if the loan is below Rs. 4,00,000/-, is to help the poor students to pursue higher studies. It is not the case of the Bank that the College, wherein the Petitioner's son is studying, is not approved by AICTE or not affiliated to the University. Then it is a different matter.

9. In these circumstances, the Bank is not correct in declining to sanction the educational loan citing that the academic record of the Petitioner's son is poor and that he obtained low marks in +2 examinations. This Court, in the judgment dated 16.09.2010 made in W.P. No. 556 of 2010 has already considered this aspect and directed the concerned Bank to sanction the educational loan. The relevant paras from the said judgment is extracted hereunder:

15. The great Tamil Poet Thiruvalluvar highlighted the importance of education by saying that person, without education, is the person without eyes. The said Thirukkural is as follows:

and the English translation is as follows:

Only the learned have their faces adorned by two eyes, For the ignorant, eyes are No. more than sores.

16. Hence, the Respondent Bank cannot cite the circular dated 03.06.2008 of its Head Office as well as the Model Educational Loan Scheme of the Indian Banks' Association to deny educational loan to the Petitioner. If such an attitude was there, even Dr. B.R.Ambedkar could not have gone for higher education. Dr. B.R.Ambedkar obtained only 287 marks out of 750 in the matric examination. But the King of Baroda was kind enough to extend financial assistance to Dr. B.R.Ambedkar. Here, the Union of India has now framed a scheme for providing financial assistance to weaker sections of the Society for their education. But it is unfortunate that the Respondent Bank is denying the same to the weaker sections of the society, citing one reason or the other.

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20. In fact, the judgment of the Honourable Apex Court in [State of Tamil Nadu and Another Vs. S.V. Bratheep \(Minor\) and Others](#), relied on by the learned Counsel for the Respondent supports the case of the Petitioner. In the said case, the State prescribed higher marks as eligibility for admission in B.E. Course than the marks prescribed by AICTE. This was put to challenge before this Court. A learned single Judge sustained the order of the Government prescribing higher qualification. However, a Division Bench of this Court set aside the order of the learned single Judge. The matter was taken to the Honourable Apex Court. The Honourable Apex Court held that the State has power to prescribe higher marks as a minimum eligibility criteria for admission in B.E. Course than the marks prescribed by the AICTE.....

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22. Considering the facts and circumstances of the case, the Respondent is directed to sanction educational loan to the Petitioner for his second year B.E. Course, within a period of four weeks from the date of receipt of a copy of this order and also sanction educational loan for the third and fourth year course respectively. As far as the payment of fees for the second year is concerned, the college is directed to reimburse the same to the Petitioner on receipt of the loan being sanctioned by the Respondent bank.

10. In these circumstances, the Bank is not correct in refusing loan and the Bank is directed to consider the loan application of the Petitioner's son and to sanction the educational loan in terms of the aforesaid judgment dated 16.09.2010 made in W.P.556 of 2010 within a period of two weeks from today.

11. With the above observation, the writ petition is disposed of. No. costs. Consequently, connected miscellaneous petition is closed.