
(2011) 02 MAD CK 0046
In the Madras High Court
Case No : Writ Petition No. 29484 of 2010

M. Mahalaxmi

APPELLANT

Vs

The Branch Manager, State Bank of India

RESPONDENT

Date of Decision : 03-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 02 MAD CK 0046

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : S. Srinivasa Narayanan, for the Appellant; P.D. Audi Kesavalu, for the Respondent

Judgement

Vinod K. Sharma, J.—The Petitioner by invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India has

challenged the order passed by the Bank declining request of the Petitioner for grant of educational loan on the ground that that the co-applicant of

the Petitioner, i.e., Petitioner's father is a defaulter.

2. The learned Counsel for the Petitioner placed reliance on the judgment of this Court in W.P. No. 17507 and 17508 of 2010 decided on

28.10.2010 in the case of G. Dhivya & G. Preethi v. The Branch Manager, Canara Bank and Anr., to contend that mere fact, that the father of the

applicant has taken loan, cannot be a ground to deny educational loan to the Petitioner, as the loan availed by the father of the Petitioner is for

different purpose, which cannot be correlated to educational loan.

3. The learned Counsel for the Bank on the other hand placed reliance on the judgment of this Court in W.P. No. 21445 of 2010 decided on

09.11.2010 in the case of G. Sharanya and Anr. v. State Bank of India, Adyar,

Chennai 20 wherein this Court held that if co-applicant i.e. father of student is defaulter, then educational loan cannot be sanctioned.

4. In view of conflicting judgment, the writ in normal circumstances should have been referred to larger Bench, but at the time of hearing of the case, the learned Counsel for the Bank made an offer to the Petitioner, that her application for educational loan would be sympathetically considered, if the Petitioner joins her mother as co-applicant instead of her father who is defaulter of loan.

5. The learned Counsel for the Petitioner accepted the offer made by the learned Counsel for the Bank.

6. In view of the stand taken by the learned Counsel for the Bank at the time of hearing and acceptance by the Petitioner's counsel, the writ petition is disposed off, with liberty to Petitioner move fresh application for grant of educational loan, by joining her mother as co-applicant. In case such application is filed, same be disposed of within four weeks of receipt favourable. No costs.