
(2013) 08 MAD CK 0142

In the Madras High Court

Case No : Writ Petition No. 8012 of 2013

R. Rakesh Kumar

APPELLANT

Vs

The Manager and Regional Manager Indian Overseas Bank

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 08 MAD CK 0142

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : A.B. Fathima Sulthana, for the Appellant; F.B. Benjamin George, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—This writ petition has been filed by the petitioner praying that this Court may be pleased to issue a writ of Mandamus

directing the respondents to consider the representations of the petitioner, dated 6.6.2012 and 10.10.2012 and consequently direct the

respondents to disburse the educational loan to the petitioner for continuing his engineering studies. It has been stated that the petitioner had

applied for educational loan, on 10.11.2011, in the Indian Overseas Bank, Karadikudi Branch, Ambur Taluk, Vellore District. The petitioner had

submitted all the relevant documents for the grant of the educational loan. However, the respondent Bank had not considered the request of the

petitioner for the grant of the educational loan for continuing his engineering course at Jei Mathaajee college of engineering, at Vishakandikuppam

village, Karappettai, via Siruvakkam. In such circumstances, the petitioner had preferred the present writ petition before this Court, under Article

226 of the Constitution of India.

2. At this stage of the hearing of the writ petition, the learned counsel appearing for the respondents had pointed out that, in the second attempt, the petitioner had scored 44% of marks in the mathematics paper. Further, the petitioner had scored less than 60% of marks in the qualifying examinations, for joining the B.E. degree course. Overall, the petitioner had scored only about 52% of marks in the qualifying examinations, for joining the B.E. degree course. The candidate applying for educational loan under the educational loan scheme, should have scored atleast 60% of marks, as per the revised guidelines of Indian Banks" Association.

3. The learned counsel appearing for the respondents had also pointed out that the Division Bench of this Court had passed an order, dated

20.4.2012, in W.A.(MD) No. 1629 of 2011 etc. (batch), (A. Kasinathan vs. THE Branch Manager, Canara Bank, Madurai), in similar

circumstances, rejecting the request of the candidate concerned, for the grant of the educational loan, holding that the guidelines of the Indian

Banks" Association, framed by the experts, cannot be substituted by the court of law, by its own values. Thus, the Division Bench of this Court

had recognized the requirement that the candidate requesting for educational loan should be a meritorious candidate. Paragraph 37 of the said

order reads as follows:

37. Indian Banks Association constituted a Study Group to examine the issue of Educational Loan Scheme. Based on the recommendation of the

Study Group, a comprehensive model Educational Loan Scheme was prepared by IBA for adoption of all Banks and the same was accepted by

the Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division). The said Educational Loan Scheme prepared

by IBA approved by the Government was circulated by the Reserve Bank of India in its Circular RPCD.PLNFS.BC. No. 83/06.12.05/2000-01

dated 28.04.2001. Again, in 2011, Reserve Bank of India has permitted implementation of certain revised guidelines, based on which

IBA/respective Banks have framed revised guidelines. The question falling for consideration is, whether these guidelines can be taken to have any

statutory force in terms of Section 21(2) and Section 35-A.

It has also been stated that in the revised guidelines of the Indian Banks"

Association, it has been stated that the candidate concerned ought to have scored atleast 60% of marks in the qualifying examinations. In the present case, it is noted that the petitioner had scored only about 52% of marks in the qualifying plus two examinations. Therefore, the relief prayed for by the petitioner, in the present writ petition, cannot be granted. Hence, the writ petition is dismissed. No costs. Connected M.P. No. 1 of 2013 is closed.