

T. Jerin Vs. The Chief Manager, State Bank of Travancore and Others

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Court : Chennai Madurai

Decided On : Jul-25-2016

Judge : M. Venugopal

Appeal No. : W.P(MD)No. 7749 of 2015

Appellant : T. Jerin

Respondent : The Chief Manager, State Bank of Travancore and Others

Judgement :

(Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to accept the payment of the Petitioner for a tune of Rs.1,19,201/- (Rupees One Lakh Nineteen Thousand Twon Hundred and One Only) towards the Educational Loan with loan amount Number: 6705969255 availed by the Petitioner and waive the interest portion of the said loan as per the guidelines for subsidy scheme for Educational loan availed upto 31.03.2016 and outstanding as on 31.12.2013, on the representation of the Petitioner dated 07.04.2015.)

1. According to the Petitioner, he availed an educational loan from the Second Respondent / Branch Manager, State Bank of Travancore, Irenipuram Branch,Kanyakumari District, bearing Loan No.67015969255, to the tune of Rs.1,19,000/-, in the year 2006. By availing the loan, he had undergone his under Graduation in Mechanical Engineering, from Vins Christian College of

Engineering, Nagercoil. Despite many financial problems in his family, his father was managed to credit his loan amount periodically, without any default. Accordingly, he remitted a sum of Rs.99,201/-, towards the loan amount till 01.12.2013 and as on 02.12.2013, the balance due towards principal amount was Rs.19,799/- and also there was due in respect of interest portion and thus his loan was outstanding in the books of the Respondent / Bank.

2. When that be the facts situation, it comes to be known that the Petitioner was put on Notice by the First Respondent / State Bank of Travancore, Nagercoil, Kanyakumari District, through its Notice, dated 17.09.2014, requiring him to repay the loan amount with interest, for which, a reply was sent through an Advocate, wherein, he made a request to the Respondent / Bank to permit him to remit the balance amount of Rs.19,799/- towards the balance in principal sum. However, no action was taken.

3. Further, on 30.10.214, another demand notice was issued by the First Respondent / Bank, asking the Petitioner to pay the outstanding sum of Rs.1,43,238/- + interest + other expenses. As on 04.12.2014, he had remitted a sum of Rs.20,000/- towards principal loan amount before the Second Respondent and in all he had paid a sum of Rs.99,201/- plus Rs.20,000/- i.e., upto Rs.1,19,201/-. Thereafter, on 10.03.2015, he was issued with another demand notice by the First Respondent / Bank showing his outstanding amount, as Rs.1,22,381/-. Therefore, the Petitioner and his father approached the Second Respondent in person and made a request to waive the interest portion alone. But, it was not responded.

4. The stand of the Petitioner is that being the policy, the Government of India has decided to take over the liability for outstanding interest, as on 31.12.2013, for the sanctioned educational loans upto 31.03.2009 and as per the guidelines, the Petitioner is entitled to get interest relief upto 31.12.2013, as contemplated in the said guidelines, he would submit his father's income Certificate and further he is ready to execute an agreement / affidavit with the Bank, for claiming the interest relief. He had sent a detailed representation, on 07.04.2015 to both the Respondents, which was duly acknowledged by them. Having received his

representation, as stated supra, the Respondents had not responded and therefore, he has filed the present Writ Petition before this Court.

5. The prime plea of the Petitioner is that the Respondents should have considered his case sympathetically and waived the interest portion of the loan, as prayed for. Furthermore, non-consideration of his representation, dated 07.04.2015, by the Respondents, is an illegal and unfair one. Also that, it is projected on the side of the Petitioner that the Petitioner belongs to economically weaker section and his father's annual income is hardly Rs.46,000/- and even as per the guidelines, the benefit of the scheme would be applicable to those students belonging to economically weaker section with an annual income of Rs.4,50,000/-.

6. Considering the fact that the Petitioner had addressed a representation / communication, dated 07.04.2015, to the First Respondent / State Bank of Travancore, Nagercoil, Kanyakumari District, seeking 'waiver of interest' / subsidizing the interest, this Court, at this point of time, without delving deep into the merits and contentions of the representation so made by the Petitioner and also not expressing any opinion on the merits of the same, simpliciter, at this stage, to meets the ends of justice, directs the Respondents to look into the representation of the Petitioner, dated 07.04.2015, with a fair, free, open and unbiased mind and to pass dispassionate orders, on merits, of course, by providing a reasonable opportunity to the Petitioners and others concerned, in the subject matter in issue, by affording enough opportunity, by adhering to the principles of natural justice) within a period of four weeks from the date of receipt of a copy of this order. Further, the Respondents are directed to communicate the order to be passed, as directed by this Court, in a subject matter an issue to the Petitioner without any further loss of time.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.