

Eswaran Vs. the Manager and anr.

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Court : Chennai

Decided On : Jul-20-2011

Judge : R.Sudhakar, J.

Appeal No. : W.P.(MD)No.7620 of 2011

Appellant : Eswaran

Respondent : The Manager and anr.

Advocate for Def. : Mr.V.Ramalingam, Adv.

Advocate for Pet/Ap. : Mr.L.Madhusudhanan, Adv.

Judgement :

1. This writ petition has been filed by the petitioner to issue a writ of Mandamus directing the respondents to entertain the petitioner's application for his daughter's Educational Loan towards the course fee for Teacher Training Course in Mangayarkarasi Teacher Training Institute, Paravai, Madurai and sanction the same.

2. Mr.V.Ramalingam, learned Counsel takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The petitioner claims to be an agricultural coolie and he has three children and states that he belonged to down-trodden community. The petitioner approaches

the respondent Bank for Educational Loan for his daughter namely Janaki to pursue the course at Mangayarkarasi Teacher Training Institute, Paravai, Madurai. The request for grant of Educational Loan was not considered by the respondents orally stating that there is a loan which remains unpaid by the petitioner - the father of the girl. The other reasons stated by the learned Counsel for the respondents is that the Bank will be able to grant Educational Loan only in respect of Fees as fixed by the Special committee constituted by the State.

4. Insofar as the second plea is concerned, the petitioner is agreeable to take the Educational Loan amount in terms of Fees fixed by the Special Committee constituted by the State. On the first objection raised by the learned Counsel for the respondents, I am unable to accept that contention as the loan taken by the father of the girl will have no bearing to the daughter who is entitled to claim Educational Loan independent of the father's status as per the guidelines which have been considered by me in G.Dhivya v. The Branch Manager, Canara Bank reported in 2011 (1) CWC 843.

5. The issue whether the objection raised by the respondents with regard to the loan availed by the father will disentitle the children for education loan, has been considered by this Court and negatived.

6. In such view of the matter, the petitioner's daughter will be entitled to claim Educational Loan in accordance with the guidelines and on the basis of the Fees fixed by Justice Balasubramanian Committee. The respondents are directed to process and grant Educational Loan to the petitioner's daughter as early as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

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