



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2012

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.15274 of 2011

D.Gokulaprahadeesh

: Petitioner

vs.

The Branch Manager,
State Bank of India,
Madurai Agriculture College Branch,
Madurai North, Madurai District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to sanction Education loan of Rs.2,55,000/- to the petitioner based on his application dated 14.11.2011.

For petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.N.Murugesan

O R D E R

The petitioner seeks a Writ of Mandamus directing the respondent bank to sanction him educational loan to the tune of Rs.2,55,000/- on the basis of his application submitted on 14 November, 2011.

2. The petitioner after completing his U.G Decree Course B.SC (Information Technology) joined M.C.A (Master of Computer Application) in Mamallan Institute of Technology at Mammallan Nagar, Sriperumpudur. The College has issued fees structure indicating that he has to pay a sum of Rs.2,55,000/- towards fees for completing the Course. Since the petitioner was not having the financial resources to pay fees, he made an application before the Madurai Agriculture College Branch of State Bank of India on 14 November, 2011. The bank agreed to sanction a total sum of Rs.1,38,000/- for the entire course period. Since it was not in accordance with the fees table given by the college, the petitioner filed this Writ Petition so as to direct the bank to pay a sum of Rs.2,55,000/- as indicated in his application.

3. The bank has filed a counter affidavit wherein it was indicated that they have agreed to pay the fees as fixed by the Committee presided over by the Honourable Mr. Justice N.V. Balasubramanian (as he then was). As per the fees structure announced by the Committee, the petitioner was sanctioned a sum of Rs.1,38,000/- for the total period of three years. However, the petitioner has not come forward to execute documents and to receive the amount.

4. I have heard the learned counsel for the petitioner and the learned standing counsel on behalf of the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>
5. The learned counsel for the petitioner by placing reliance on the judgment of the Division Bench dated 11 January, 2011 in W.A.No.23 of 2011 contended that the Division Bench has already directed the bank to sanction



the mess fees and hostel fees and as such the bank cannot be heard to say that they would not pay mess fees and hostel fees.

6. The learned counsel for the bank justified the action taken by the bank to sanction the loan amount in accordance with the fees structure fixed by the Committee appointed by the State of Tamil Nadu. According to the learned counsel, the bank cannot be made to pay any amount in excess of the amount fixed by the Committee.

7. The petitioner has produced the bonafide certificate dated 02 November, 2011 issued by the Mamallan Institute of Technology. The said certificate indicates that the petitioner has to pay Book Fees/Stationery items at the rate of Rs.15,000/- per year and Mess Fee also at the rate of Rs.15,000/- per year. Even though the respondent has agreed to pay hostel fees, the fact remains that they have not agreed to pay mess fees. In view of the judgment of the Division Bench, the bank was bound to pay mess fee. The petitioner would not be in a position to stay in hostel without paying mess fee. The bank was bound to consider the request for payment of mess fees. The bank has to pay Rs.45,000/- towards mess fees in addition to the amount of Rs.1,38,000/- sanctioned to the petitioner.

8. Accordingly, the respondent bank is directed to sanction a sum of Rs.1,83,000/- to the petitioner on the basis of his application dated 14 November, 2011. The petitioner is directed to approach the bank for the purpose of executing necessary documents and on such execution the bank is directed to pay a sum of Rs.1,83,000/- to the petitioner, forthwith.

9. The Writ Petition is disposed of with the above directions. No Costs.

SD
ASST REGISTRAR(CO)

/TRUE COPY/

SUB ASST REGISTRAR

pm
To
The Branch Manager,
State Bank of India,
Madurai Agriculture College Branch,
Madurai North, Madurai District.

SB:09/02/2012 2P 2C

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