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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 13TH DAY OF JULY 2026 / 22ND ASHADHA, 1948

WP(C) NO. 40358 OF 2025

PETITIONER:

DILHA JAN GOVINDAN
AGED 19 YEARS
D/O AMBUJAN GOVINDAN AKKOTTU HOUSE, KANNAMANGALAM SOUTH P O, MAVELIKARA, ALAPPUZHA DISTRCT, PIN - 690104

BY ADV SHRI.K.JAISHANKAR

RESPONDENTS:

1 **STATE BANK OF INDIA**
MAVELIKARA BRANCH (08645), P B NO.9, GOMADASTH COMPLEX, OPP PRIVATE BUS STAND, MAVELIKARA, ALAPPUZHA DISTRICT, PIN- REPRESENTED BY ITS CHIEF MANAGER., PIN - 690101

2 **STATE BANK OF INDIA**
HEAD OFFICE, STATE BANK BHAVAN, MADAME CAMA ROAD, NARIMAN POINT, MUMBAI, MAHARASHTRA. REPRESENTED BY ITS MANAGING DIRECTOR., PIN - 400021

3 **RESERVE BANK OF INDIA**
CENTRAL OFFICE BUILDING, SHAHID BHAGAT SINGH ROAD, MUMBAI, MAHARASHTRA REPRESENTED BY ITS GOVERNOR., PIN - 400001

4 **LEAD DISTRICT MANAGER**
LEAD BANK OFFICE, FIRST FLOOR, SBI MAIN BRANCH, BEACH ROAD, ALAPPUZHA, PIN - 688001

BY ADVS.
SMT.S.AMBILY,SC
SMT.RUPA R. NAIR
SRI.K.K.CHANDRAN PILLAI (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.07.2026, ALONG WITH WP(C).4667/2026, 10522/2026 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 13TH DAY OF JULY 2026 / 22ND ASHADHA, 1948

WP(C) NO. 45597 OF 2025

PETITIONER:

MARGARET M . KOCHUMUTTOM
AGED 19 YEARS
D/O MANAKSHA, KOCHUMUTTOM HOUSE, MULLAPUZHACHAL P.O., ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK, ERNAKULAM DIST, PIN - 686670

BY ADV SHRI.SABU FRANCIS

RESPONDENTS:

1 KOTAK MAHINDRA PRIME LTD.
15TH FLOOR, NIPPON Q1 MALL, N.H.-66, BY-PASS, PALARIVATTOM, ERNAKULAM DIST.,REPRESENTED BY ITS MANAGER, PIN - 682028

2 THE BRANCH MANAGER
INDIAN BANK, VELLURKUNNAM, VELLURKUNNAM VILLAGE, MUVATTUPUZHA TALUK, ERNAKULAM DIST., MARKET P.O., PIN - 686673

3 THE TAAN UNION CIBIL LTD
ONE INDIA BULL CENTRE, TOWER 2A, 19TH FLOOR, SENAPATHY BAPAT MARG, ELPHISTONE ROAD, MUMBAI , REPRESENTED BY ITS MANAGING DIRECTOR., PIN - 400013

BY ADVS.
SRI.B.S.SURESH KUMAR
SRI.ASHLEY JOHN
SMT.RANJANA V.

SMT.ANUSREE C.S.
SMT.NEMI P.N.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.07.2026, ALONG WITH WP(C).40358/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 13TH DAY OF JULY 2026 / 22ND ASHADHA, 1948

WP(C) NO. 4667 OF 2026

PETITIONER:

ALANA MARIYA GIMMI
AGED 19 YEARS
D/O GIMMY GEORGE, KALLAKKULAM HOUSE PUNNAKKUNNU P O, BALAL VILLAGE, KASARGOD DISTRICT., PIN - 671534

BY ADVS.
SRI.VARUGHESE M EASO
SHRI.VIVEK VARGHESE P.J.
SHRI.BENNY T.

RESPONDENTS:

1 **STATE BANK OF INDIA**
REPRESENTED BY THE BRANCH MANAGER, STATE BANK OF INDIA, VELLARIKKUND BRANCH, VELLARIKKUND P O, KASARGOD DISTRICT, KERALA STATE., PIN - 671534

2 **THE REGIONAL MANAGER**
(LOAN SECTOR) REGIONAL OFFICE (RBO), STATE BANK OF INDIA MAVUMKAL ROAD, KANJAGAD P O, KASARGOD DISTRICT., PIN - 671315

3 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY, DEPARTMENT OF GENERAL EDUCATION, KERALA STATE. SECRETARIAT, THIRUVANTHAPURAM., PIN - 695001

4 **UNION OF INDIA**

REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE, NORTH BLOCK, NEW DELHI., PIN - 110001

BY ADVS.
SMT.S.AMBILY
SHRI.P.SAJEEV (PERUMPALAM), CGC
SMT.RUPA R. NAIR
SRI.K.K.CHANDRAN PILLAI (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.07.2026, ALONG WITH WP(C).40358/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 13TH DAY OF JULY 2026 / 22ND ASHADHA, 1948

WP(C) NO. 10522 OF 2026

PETITIONER:

JUWANA RAJAN
AGED 23 YEARS
D /O RAJAN ABRAHAM RESIDING AT MODIYIL HOUSE MARKET PO
KADATHY MUVATTUPUZHA, PIN - 686673

BY ADVS.
SHRI.L.RAM MOHAN
SRI.M.AUBREY ABRAHAM ISAAC

RESPONDENTS:

1 **THE STATE BANK OF INDIA**
ARAMANA BRANCH REPRESENTED BY ITS AUTHORISED OFFICER
ARAMANA COMPLEX MUVATTUPUZZHA, PIN - 686661

2 **THE DEPUTY GENERAL MANAGER**
(BUSINESS & OPERATIONS), THE STATE BANK OF INDIA
ADMINISTRATIVE OFFICE SHANMUGHAM ROAD ERNAKULAM-, PIN - 682031

3 **THE GOVERNOR**
RESERVE BANK OF INDIA, 18TH FLOOR SHAHID BHAGATH SINGH
ROAD FORT MANBAI, PIN - 400001

BY ADVS.
SMT.S.AMBILY
SMT.RUPA R. NAIR

SRI.ARJUN SANTHOSH
SRI.K.K.CHANDRAN PILLAI (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.07.2026, ALONG WITH WP(C).40358/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 13TH DAY OF JULY 2026 / 22ND ASHADHA, 1948

WP(C) NO. 15675 OF 2026

PETITIONER:

SOORYAN
AGED 20 YEARS
S/O. SUDHEER L G, RESIDING AT SURESH BHAVAN, KAITHACODU P.O, PAVITHRESWARAM, KOTTARAKARA TALUK, KOLLAM DISTRICT; REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, SUDHEER L G, AGED 50 YEARS, S/O. A GOPALAN, RESIDING AT SURESH BHAVAN, KAITHACODU P.O, PAVITHRESWARAM, KOTTARAKARA TALUK, KOLLAM DISTRICT, PIN - 691543

BY ADV SRI.T.U.SUJITH KUMAR

RESPONDENT:

THE BRANCH MANAGER, STATE BANK OF INDIA
KUNDARA BRANCH, SH 16, HOSPITAL JUNCTION, KUNDARA P.O, KOLLAM DISTRICT, KERALA, PIN - 691501

BY ADVS.
SMT.S.AMBILY
SMT.RUPA R. NAIR
SRI.K.K.CHANDRAN PILLAI (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.07.2026, ALONG WITH WP(C).40358/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 13TH DAY OF JULY 2026 / 22ND ASHADHA, 1948

WP(C) NO. 19554 OF 2026

PETITIONER:

AISWARYA BABU,
AGED 19 YEARS
D/O VIJAYA BABU MAVILAYIL HOUSE, MATTOM SOUTH,
THATTARAMBALAM P.O, MAVELIKARA, ALAPPUZHA, PIN - 690103

BY ADVS.
SRI.SAJU J PANICKER
SHRI.KURIAN K JOSE

RESPONDENTS:

THE CHIEF MANAGER
STATE BANK OF INDIA, MAVELIKARA BRANCH, GOMADATHU
SHOPPING COMPLEX, OPP: PRIVATE BUS STAND, MAVELIKARA
P.O, ALAPPUZHA, PIN - 690101

BY ADVS.
SMT.S.AMBILY
SRI.K.K.CHANDRAN PILLAI (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.07.2026, ALONG WITH WP(C).40358/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

[WP(C) Nos.40358/2025, 4667/2026, 10522/2026, 15675/2026, 19554/2026, 45597/2025]

Dated this the 13th day of July, 2024

1. All these Writ Petitions are filed by students who have been pursuing their studies in different courses. They are aggrieved by the refusal of the Respondents/Banks to grant Educational Loan applied by them on the ground that the Credit Score/Credit Report of the co-borrower, who is one of the parents of the Petitioners, provided by the Credit Information Companies is on the lower side. In all these Writ Petitions, the substantial prayer sought for is to direct the Respondents/Banks to grant Educational Loans to the Petitioners ignoring the Credit Score of their parents. The grounds raised in these Writ Petitions are almost identical and the precedents relied on by them are also

the same. Since the questions to be considered in these Writ Petitions are common, I am not referring to the pleadings in these Writ Petitions. The Respondents/Banks have filed Statements producing certain documents opposing the prayers in the Writ Petitions. In all the Writ Petitions except W.P.(C) No.45597/2025, State Bank of India is the Respondent/Bank. In W.P.(C) No.45597/2025, Indian Bank is the Respondent Bank.

2. I heard the learned Counsel for the Petitioners, Sri. Jaishankar, Sri. Sabu Francis, Sri. Varughese M. Easo, Sri. Ram Mohan Liladharan, Sri. T.U. Sujith Kumar and Sri. Saju Panicker, and the learned Counsel for the Respondent Bank in W.P.(C) No.45597/2025, Sri. Binoy Vasudevan and the learned Senior Counsel for the Respondent Bank in the other Writ Petitions, Sri.K.K. Chandran Pillai, instructed by Adv. Sri. S. Ambili.

3. Learned Counsel for the Petitioners contended that the denial of Educational Loan on the basis of the Credit Score of the co-

borrower is illegal and unsustainable. Educational Loan is to be repaid by the students who are availing the Educational Loan. It is the repayment capacity of the student on securing a job after completing the education that has to be the deciding factor for granting Educational Loan. If Educational Loan is denied to meritorious students who are not having sufficient resources to meet their educational expenses, it will defeat the very purpose for which the Educational Loan Scheme was formulated by the Government. The main objectives of the Model Educational Loan Scheme formulated by the Indian Banks' Association pursuant to the policy decision taken by the Government are to provide financial support from the banking system to meritorious students for pursuing higher education in India and abroad and to ensure that a meritorious student, though poor, is provided an opportunity to pursue education with financial support from the banking system at affordable terms and conditions. If the stand of the Respondent Banks is accepted, it would defeat the very purpose for which the scheme is formulated. Apart from the above contentions, the Petitioner in W.P.(C) No.4667/2026 has raised an additional contention that in view of the Credit Guarantee Fund Scheme for Educational Loans (CGFSEL) formulated by the Government of India, the repayment of the Educational Loan is guaranteed by the Central Government when there occurs a default in repayment by the borrowers and in view of the CGFSEL, the Banks need not be apprehensive about the repayment of the Educational Loan and in such case, the Credit Score/Credit Report of the borrowers are totally irrelevant. The learned Counsel for the Petitioners relied on the Single Bench decisions of this Court in ***Noorjahan N.S. v. The General Manager, State Bank of India and Others [2019:KER:72386], Pranav S.R. v. The Branch Manager, State Bank of India and Others [AIR 2020 Ker 161], K.M. George v. The Branch Manager, State Bank of India***

and Others [2020:KER:33564] and ***Kiran David v. Assistant General Manager, State Bank of India, Tvm and Another [2022 (2) KHC 373]*** to substantiate the point that the Credit Score/Credit Report of the co-borrower of the Education Loan is not relevant to consider for the grant of Educational Loan. The decision in ***Aleena Sreejith and Another v. Union of India and Others [2024:KER:27888]*** is cited to substantiate the point that in view of the CGFSEL, the Banks need not consider the Credit Score/Credit Report of the co-borrower/parent. Learned Counsel concluded their arguments contending that the action of the Banks denying Education Loan is in violation of the fundamental rights guaranteed under Articles 14 and 41 of the Constitution of India.

4. Learned Senior Counsel for the Respondent/State Bank of India and the Counsel for the Respondent/Indian Bank contended that the Petitioners cannot claim Educational Loan as a matter of right. The Banks can grant Educational Loans to the Petitioners

only if they satisfy the relevant conditions provided under the IBA Model Educational Loan Scheme formulated by the Indian Banks' Association and the Master Circulars for Educational Loans formulated by the Banks. The learned Senior Counsel invited my attention to the various clauses in the extant IBA Model Educational Scheme and the Master Circular for Educational Loans formulated by the State Bank of India to convince this Court that the Credit Score/Credit Report of the co-borrower/parent is a relevant factor to be considered while considering an application for Educational Loan. The Respondents/Banks have placed on record the IBA Model Educational Loan Schemes of the years 2001, 2012, 2021 & 2022 to demonstrate the evolution of various terms and conditions for granting Educational Loans. The Model Educational Loan Scheme was formulated by the Indian Banks' Association at the instance of the Central Government on the introduction of the Educational Loan Scheme in the year 2001. The Educational Loan Scheme was announced in the Union Budget for 2001-2002. The Central Government introduced the Educational Loan Scheme after the Finance Minister of the Government of India held a meeting with Chief Executives of the Public Sector Banks, in which the role of Commercial Banks in facilitating the pursuit of higher education by poor and meritorious students is highlighted. The Indian Banks' Association constituted a study group to examine the issue in detail. Based on the recommendation of the study, a comprehensive Educational Loan Scheme was prepared by the Indian Banks' Association for adoption by all Banks. On account of the difficulties that arose during the course of implementation of the Model Educational Loan Scheme from time to time, the Scheme was modified from time to time. It is well settled by the Division Bench of this Court in ***Arya v. Reserve Bank of India [2015 (4)***

KLT 478] that right to get Educational Loan is not a fundamental right; that right to higher education is not a fundament right and that there is no inherent right to get Educational Loan. It is true that learned Single Judges of this Court in various decisions cited by the Counsel for the Petitioners held that the Credit Score of the co-borrower/parent of the student is not relevant to consider for the eligibility of Educational Loan but in ***Haritheeth P. v. The Branch Manager, State Bank of India and Another [2024:KER:78076],*** the learned Single Judge of this Court considered the earlier decisions of this Court and the extant IBA Model Education Loan Scheme, and thereafter found that the earlier decision in ***Pranav S.R. (Supra)*** was rendered based on IBA Guidelines then in vogue, which did not contain any specific provision for reckoning the Credit Score and the Credit Report of the borrower/co-borrower for deciding the loan application; that if the student/parent/guardian has no credit history they are assigned to be creditworthy and that in case of adverse credit history, the Banks at their discretion, can frame suitable criteria based on their risk appetite. It is this decision which holds the field now, which was passed in accordance with the extant IBA Model Educational Loan Scheme, and hence, in view of the said decisions, the Petitioners are not entitled to get Educational Loans. Learned Senior Counsel pointed out that the Petitioners have not challenged the IBA Model Educational Loan Scheme and the Master Circular for Educational Loans formulated by the Bank. In such case, the Petitioners are entitled to succeed only if they are able to demonstrate that their applications for Educational Loans are rejected in violation of the IBA Model Educational Loan Scheme and the Master Circular for Educational Loans formulated by the Bank. The learned Senior Counsel further contended that the decision rendered by this Court in ***Aleena Sreejith (supra)*** was under a misconception that the

CGFSEL is intended to ensure that meritorious students are not denied the chance of education on account of the lack of funds. It is clear from the pleadings extracted in the said decision that the Petitioner therein claimed grant of Educational Loan under the CGFSEL. The purpose of the CGFSEL is to guarantee the member lending institutions in case of default made by the borrowers of Educational Loans. The provisions of the CGFSEL has nothing to do with the case of consideration of loan applications from the students for Educational Loan. Learned Senior Counsel invited my attention to various provisions in the CGFSEL to substantiate that it is subject to the provisions of the IBA Model Educational Loan Scheme. Learned Senior Counsel invited my attention to the object of enacting the Credit Information Companies (Regulation) Act, 2005. It is contended that in order to reduce the percentage of Non-Performing Assets (NPAs), the Parliament enacted the Recovery of Debts Due to

Banks and Financial Institutions Act in the year 1993 (now renamed as the Recovery of Debts and Bankruptcy Act) by simplifying the procedure for recovery of the defaulted loans and setting up a separate Tribunal for adjudication. Since the provisions under the said Act did not yield the desired result, Parliament enacted the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act in the year 2002. As per the provisions of the said Act, the Banks and Financial Institutions are given power to deal directly with the secured assets. The above two enactments are introduced with the intention to reduce the percentage of NPAs by providing provisions for expediting the recovery of the defaulted loans. Since it was found that the borrowers were availing loans and other financial assistance from different Banks without disclosing their existing loans and there was no mechanism for the Banks and other Financial Institutions to check whether the borrowers were indebted to other Banks and Financial Institutions, the Parliament enacted Credit Information Companies (Regulation) Act in the year 2005 in order to provide a mechanism for collecting credit information of the borrowers from the Banks and other Financial Institutions and to furnish and share the information with the member Banks/Financial Institutions. When the financial credibility of the Applicants for loans is verified at the time of granting the loan itself with reference to their credit history provided by the Credit Information Companies, it would avoid the possible defaults of the loan and would reduce the NPAs. If the Applications for Educational Loans are considered without reference to the Credit Score/Credit Report of the Applicants, it would defeat the very purpose for which the Credit Information Companies (Regulation) Act, 2005, is incorporated by the Parliament. As a matter of fact, a major share of the NPAs represents the defaulted Education Loan. The learned Senior

Counsel cited the decision of the learned Single Judge of this Court in ***Nizamudheen P. v. Union of India and Others [2023:KER:19425]*** and contended that this Court has already considered similar contentions on the strength of the CGFSEL and rejected the same and upheld the rejection of the Educational Loan by the Bank. The said decision was confirmed by the Division Bench of this Court. The decision in ***Aleena Sreejith (supra)*** was rendered without noticing the earlier decision in ***Nizamudheen P. (supra).*** Learned Senior Counsel concluded his arguments praying to dismiss the Writ Petition and also submitted that the Respondent Bank is ready to reconsider the Loan Applications submitted by the Petitioners if they are willing to substitute the co-borrowers with sufficient Credit Score and good Credit History. Learned Counsel for the Respondent Bank in W.P.(C) No.45597/2025 also advanced arguments in support of the arguments made by the learned Senior Counsel.

5. I have considered the rival contentions.

6. In ***Arya (supra),*** the Division Bench of this Court fully endorsed the view taken by the Division Bench of the Madras High Court in ***A.Kasinathan v. Branch Manager, Canara Bank, Town Hall Road, Madurai [Laws (Mad)-2012-4-52]*** holding that there is no inherent right to Educational Loan; that in terms of Article 21A and Article 41, while there is a right to education, there is no right to Educational Loans; that there is no fundamental right to higher education; and it is for the State, IBA and the Bank to formulate its policies for the enhancement of educational and economic interests of Scheduled Castes and Scheduled Tribes in view of the enabling constitutional provisions in Article 46. In view of this decision, it could not be held that the denial of Educational Loan by the Banks affects the fundamental rights of the Petitioners.

7. In ***Noorjahan N.S. (supra)***, though the learned Single Judge of this Court held that the rejection of the request for Educational Loan

on the ground that the father of the Petitioner does not have the requisite Credit Score is arbitrary and violative of the spirit of the Circular issued by the Reserve Bank of India which is binding on the Bank, the judgment concluded with the direction that the Bank would be free to insist another relative of the Petitioner acceptable to the Bank to act as joint borrower in the place of the father of the Petitioner for the purpose of disbursing the loan. This direction in the concluding portion of the judgment has, in fact, nullified the observations noted above in the said judgment. In ***Pranav S.R. (supra),*** the learned Single Judge of this Court, following the judgment in ***Noorjahan N.S. (supra)***, held that unsatisfactory Credit Scores of the parents of the Petitioner cannot be a ground to reject the Educational Loan in view of the fact that the repayment capacity of the Petitioner after his education should be a deciding factor as per Clause 10 of the RBI Scheme. The decision in ***K.M. George (supra)*** is rendered directing reconsideration of the loan application irrespective of the CIBIL Score of the father/co-borrower following the decisions in ***Noorjahan N.S. (supra)*** and ***Pranav S.R. (supra)***. The decision in ***Kiran David (supra)*** was rendered following the judgment in ***Pranav S.R. (supra)***. In the said decision, the Banks therein were directed to reconsider the Loan Applications submitted by the Petitioners therein, disregarding the low Credit Score of the co-borrowers. In ***State Bank of India and Another v. Ajith Sajeevan [2025:KER:28680]***, the Division Bench of this Court considered the challenge against the judgment of the learned Single Judge directing the consideration of Educational Loan applications submitted by the Petitioners without regard to their Credit Reports. In the said decision, the legal question as to whether such a direction could have been issued is kept open to be urged in appropriate cases since it is found that the Petitioners have not taken advantage of the impugned judgment. The learned Single Judge of this Court in ***Haritheeth P. (supra)*** has considered the rejection of the Educational Loan on the ground of delinquency noted in the Credit Score of the Petitioner’s father. The learned Single Judge considered the decision in ***Pranav S.R. (supra)*** and found that the said decision is rendered as per 2001 Model Educational Loan Scheme and as per the 2021 Model Educational Loan Scheme, the CIBIL and Credit Information Reports are to be used for ascertaining the credit discipline of the loan applicants; that after the introduction of the Credit Information Companies (Regulation) Act, 2005, the creditworthiness of a proposed borrower would largely depend upon his Credit Score and Report; and that on a conjoint reading of the provisions, it is evident that the Bank is bound to reject/return the Loan Application when faced with unsatisfactory Credit Score and adverse Credit Report of the co-borrower. Learned Single Judge dismissed the Writ Petition holding that, in the absence of any challenge to the Schemes or the Circulars making requisite Credit Score and satisfactory Credit History mandatory for the grant of Educational Loans, the prayer for directing the Bank to process the Petitioner's Application for Educational Loan in spite of an adverse report against the co-borrower cannot be sustained. In the present cases also, there is no challenge against the relevant Schemes and Circulars. In such case, I am bound to follow the decision in ***Haritheeth P. (supra).*** In such case, the only question before this Court is whether the rejection of the Applications for Educational Loan by the Respondents/Banks is in violation of the extant IBA Model Educational Loan Scheme and the Circulars issued by the Respondents/Banks. The Petitioners could not point out any violation of the provisions of the said Scheme and Circular before this Court. Hence, in the light of the decision of the learned Single Judge in ***Haritheeth P. (supra)*** considering the extant IBA Model Educational Loan

Scheme, the prayer of the Petitioners to reconsider the Application of their Educational Loan disregarding the Credit Score/Credit History of the co-borrower parent could not be allowed.

8. With regard to the contention raised by the Petitioner in W.P.(C) No.4667/2026 relying on the CGFSEL, it is seen that the claim raised by an Applicant for Educational Loan on the strength of the said Scheme was elaborately considered and rejected by this Court in ***Nizamudheen P. (supra)***. Though a Writ Appeal was filed against the judgment in the said decision, the same was dismissed by the Division Bench of this Court as per the decision in ***Nizamudheen P. v. Union of India and Others [2023:KER:33369]***. The learned Single Judge of this Court rendered the decision in ***Aleena Sreejith (supra)*** without noticing the Single Bench decision and Division Bench decision in ***Nizamudheen P. (supra)***. The Single Bench as well as the Division Bench in ***Nizamudheen P. (supra)*** has

found that the CGFSEL is not a Scheme for granting loans, but it is a Scheme for guaranteeing the Educational Loans disbursed by the lending Banks in case of any default by the borrower.

9. Clause 5(v) of the CGFSEL defines ‘Educational Loan’ as any financial assistance by way of loan extended by the lending institution to the eligible borrower for higher education as per the IBA Model Educational Loan Scheme. Clause 5(iii) defines ‘eligible borrower’ as a new or existing borrower who meets the eligibility criteria under the IBA Model Educational Loan Scheme and executed loan documents with the lending institutions to avail the Educational Loan. Clause 7(i) provides that the fund shall cover the Educational Loans extended by Member Lending Institution(s) to an eligible borrower under the IBA Model Educational Loan Scheme. Clause 10(i) provides that the lending institution shall evaluate and sanction Educational Loan in accordance with the IBA Model Educational Loan Scheme.

Clause 10(vii) provides that payment of guarantee claim by the National Credit Guarantee Trustee Company (NCGTC) to the lending institution does not take away the responsibility of the lending institution to recover the entire outstanding amount of the credit from the borrower with applicable interest and that the lending institution shall exercise all the necessary precautions and maintain its recourse to the borrower for entire amount of Educational Loan owed to it and initiate such necessary actions for recovery of the outstanding amount, including such action as may be advised by NCGTC. As per Clause 12, the maximum guarantee cover is only 75% of the defaulted amount. As per Clause 13(iv), in the event of default, the lending institution shall exercise its rights, if any, to take over the assets of the borrowers and the amount realised, if any, from the sale of such assets or otherwise shall first be credited in full by the lending institutions to NCGTC before it claims the remaining portion of the guaranteed amount. It is clear from these provisions that the Applicant has to satisfy the eligibility conditions as per the IBA Model Educational Loan Scheme to get an Educational Loan. The provisions of the CGFSEL could not be considered for the grant of Educational Loan under the IBA Model Educational Loan Scheme. The CGFSEL does not in any way dilute provisions in the IBA Model Educational Loan Scheme. In view of the responsibility of the lending institutions to recover the defaulted loan even after getting 75% of the defaulted amount from the Guarantee Fund under the CGFSEL, it could not be said that the confirmation of satisfactory Credit Score/Credit Report of the Applicants and Co-Applicants for Educational Loan is unwarranted on account of the CGFSEL providing guarantee to the Banks.

10. Considering the objectives of the Credit Information Companies (Regulation) Act, 2005, it could not be said that the Bank shall

not consider the Credit Score/Credit Report of the co-borrower when the Bank considers an Application for Educational Loan.

11. In view of the aforesaid discussion, I find that the stand of the Respondents/Banks that the Applicants are not eligible for Educational Loan on account of the lower Credit Score/unsatisfactory Credit Report of the co-borrower/parent is sustainable. These Writ Petitions are liable to be dismissed. However, the Respondents/Banks shall reconsider the Applications, if the Applicants provide eligible co-borrower with satisfactory Credit Score/Credit Report.

12. Accordingly, these Writ Petitions are dismissed.

Sd/-

M.A.ABDUL HAKHIM

JUDGE

Jma/shg

APPENDIX OF WP(C) NO. 40358 OF 2025

PETITIONER EXHIBITS

Exhibit P1	**THE TRUE COPY OF THE CERTIFICATE DATED 22.05.2025 WITH REGISTER NUMBER 24083569 ISSUED BY THE BOARD OF HIGHER SECONDARY EXAMINATIONS; GOVERNMENT OF KERALA**
Exhibit P2	**THE TRUE COPY OF THE FEE STRUCTURE DATED 25.08.2025 ISSUED BY THE PRINCIPAL, DC SCHOOL OF MANAGEMENT AND TECHNOLOGY, VAGAMON**
Exhibit P3	**THE TRUE COPY OF THE CERTIFICATE OF AFFILIATION DATED 06.07.2025 ISSUED BY THE REGISTRAR, MAHATMA GANDHI UNIVERSITY.**
Exhibit P4	**THE TRUE COPY OF THE APPROVAL LETTER DATED 03.01.2025 ISSUED BY ALL INDIA COUNCIL FOR TECHNICAL EDUCATION.**
Exhibit P5	**THE TRUE COPY OF CERTIFICATE OF ACCREDITATION DATED 08.11.2024 ISSUED BY THE NATIONAL ASSESSMENT AND ACCREDITATION COUNCIL.**
Exhibit P6	**TRUE COPY OF THE EDUCATIONAL LOAN APPLICATION.**
Exhibit P7	**THE TRUE COPY OF THE CERTIFICATE OF INSURANCE DATED 01.09.2025.**
Exhibit P8	**THE TRUE COPY OF THE REJECTION LETTER DATED 07.10.2025 ISSUED BY THE CHIEF MANAGER, SBI, MAVELIKARA BRANCH.**

Exhibit P9	**THE TRUE COPY OF THE JUDGEMENT IN WP (C) NO. 17222/2023 DATED 21.08.2023**
Exhibit P10	**THE TRUE COPY OF THE CONSOLIDATED CONSUMER CREDIT REPORT OF THE PETITIONER'S FATHER.**

RESPONDENT ANNEXURES

ANNEXURE R1(a)	**True copy of the relevant portion of the Master Circular updated up to 31.03.2024**
ANNEXURE R1(b)	**True copy of the Judgment of this Honorable Court in WPC 19248 of 2019 dated 03.12.2019**
ANNEXURE R1(c)	**True copy of the common judgment in WA 1171/2023 and 1174/2023 of this Honorable Court dated 02.04.2025**
ANNEXURE R1(d)	**True copy of the judgment of this Honorable Court in WPC 29966/2024 dated 14.10.2024**

APPENDIX OF WP(C) NO. 45597 OF 2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF PETITIONER’S TOTAL FOUR YEARS’ FEE STRUCTURE OF B.SC. NURSING DEGREE COURSE ISSUED BY COLLEGE OF NURSING , ST. MARTHA’S HOSPITAL, BENGALURU DATED 23.07.2025**
Exhibit P2	**TRUE COPY OF PETITIONER’S 1ST SEMESTER EXAM RESULT ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, DATED 07.08.2025.**
Exhibit P3	**TRUE COPY OF PM-VIDYALAXMI COMMON EDUCATION LOAN APPLICATION SUBMITTED BY THE PETITIONER DATED 19.09.2025**
Exhibit P4	**TRUE COPY OF PETITIONER’S LOAN APPLICATION REJECTED BY SYSTEM DATED NIL**
Exhibit P5	**TRUE COPY OF CIBIL SCORE & REPORT OF PETITIONER’S FATHER, MANAKSHA KOCHUMUTTOM DATED 13.10.2025 SHOWING HIS CREDIT FACILITY STATUS, 'WRITTEN OFF' BUT HIS SCORE IS 703**
Exhibit P6	**TRUE COPY OF REGISTERED LAWYER NOTICE ISSUED TO THE 1ST RESPONDENT TO CHANGE THE PETITIONER’S FATHER’S CREDIT STATUS SO AS TO AVAIL THE EDUCATIONAL LOAN, DATED 05.11.2025**
Exhibit P7	**TRUE COPY OF ACKNOWLEDGEMENT CARD DULY SIGNED BY THE 1ST RESPONDENT DATED 10.11.2025.**

APPENDIX OF WP(C) NO. 4667 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE BOARD OF HIGHER SECONDARY EXAMINATION WITH THE REGISTER NO 23411733**
Exhibit P2	**TRUE COPY OF THE LETTER DATED 05/11/2025 ALONG WITH THE DETAILED DOCUMENTATIONS AND SCHEDULE OF FEE STRUCTURE RECEIVED FROM THE NETHAJI SCHOOL OF NURSING, MANNAGUDDA, MANGALURU, KARNATAKA STATE**
Exhibit P3	**THE TRUE COPY OF THE RELEVANT PAGES OF THE ONLINE APPLICATION SUBMITTED BEFORE THE 1ST RESPONDENT BANK BY THE PETITIONER ALONG WITH HER FATHER**
Exhibit P4	**A TRUE COPY OF THE CREDIT GUARANTEE FUND SCHEME FOR EDUCATIONAL LOANS ISSUED BY THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF HIGHER EDUCATION)**
Exhibit P5	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 19/01/2026**
Exhibit P6	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19/01/2026**
Exhibit P7	**TRUE COPY OF THE JUDGMENT OF THIS HONORABLE COURT IN W P C NO 21484/2009 DATED 12/04/2011**

Exhibit P8	**TRUE COPY OF THE JUDGMENT OF THIS HONORABLE COURT IN W P C NO 27948/2013 DATED 07/04/2014**
Exhibit P9	**TRUE COPY OF THE JUDGMENT OF HONOURABLE COURT DATED 05/04/2024 IN WPC NO 1895/2023**
Exhibit P10	**True copy of the letter No OR/17912/ 2025-26 dated 04/03/2026 issued by the Branch Manager of the Union Bank in relation with the loan number 560381000241427**
Exhibit P11	**True copy of the letter No OR/17912/ 2025-26 dated 04/03/2026 issued by the Branch Manager of the Union Bank in relation with the loan number 560941000038995**
Exhibit P12	**True copy of the CIBIL REPORT availed from the online application**
Exhibit P13	**True copy of the letter dated 14/03/2026 submitted by the petitioner before the 2nd respondent along with the annexed documents**
Exhibit P14	**True copy of the notarized affidavit submitted by the petitioner before the 2nd respondent**

RESPONDENT ANNEXURES

ANNEXURE R1(a)	**True copy of the communication dated 21.01.2026 showing reasons for return of the application by the processing center**
ANNEXURE R1(b)	**True copy of the relevant portion of the master circular as regards educational loan**

	updated as on 31.03.2024
ANNEXURE R1(c)	**True copy of the Judgment of this Honorable Court in WPC 29966/2024 dated 14.10.2024**
ANNEXURE R1(d)	**True copy of the Judgment of this Honorable Court in WPC 3990/2023 dated 28.03.2023**
ANNEXURE R1(e)	**True copy of the Judgment of this Honorable Court in W.A. No.1000/2023 dated 06.06.2023**
ANNEXURE R1(f)	**True copy of the Model Educational loan scheme published by Indian Banks Association 2001**

APPENDIX OF WP(C) NO. 10522 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE SCHEDULE OF FEES DATED 8/10/2025 ISSUED BY MARIAN INSTITUTE OF MANAGEMENT.**
Exhibit P2	**TRUE COPY OF THE ADMISSION CARD DATED 08/10/25 ISSUED FROM MARIAN INSTITUTE OF MANAGEMENT AT KUTTIKKANAMON.**
Exhibit P3	**TRUE COPY OF THE PROVISIONAL CERTIFICATE DATED 30/05/24 ISSUED BY MAHATMA GANDHI UNIVERSITY.**
Exhibit P4	**TRUE COPY OF THE LETTER DATED 29/01/26 ISSUED BY 1ST RESPONDENT.**
Exhibit P5	**TRUE COPY OF THE LETTER DATED 26/02/26 ISSUED BY 2ND RESPONDENT.**

RESPONDENT ANNEXURES

ANNEXURE R1(a)	**True copy of the Indian Banks Association Model Educational Loan Scheme updated as on 2022**
ANNEXURE R1(b)	**True copy of the relevant portion of the Master Circular updated as on 31.03.2024**
ANNEXURE R1(c)	**True copy of the Judgment of this Honourable Court in WPC 19248/2019 dated 03.12.2019**

ANNEXURE R1(d)	**True copy of the Common Judgment of this Honourable Court in W.A 1171/2023 and W.A. 1174/2023**
ANNEXURE R1(e)	**True copy of the Judgment of this Honourable Court in WPC 29966/2024 dated 14.10.2024**
ANNEXURE R1(f)	**True copy of the Model Educational Loan Scheme 2012 published by the Indian Banks Association**
ANNEXURE R1(g)	**True copy of the Model Educational Loan Scheme 2015 as amended up to 2016 published by the Indian Banks Association**
ANNEXURE R1(h)	**True copy of the Model Educational Loan Scheme 2021 published by the Indian Banks Association**
ANNEXURE R1(i)	**True copy of the relevant pages of the Manual of Loans and advances dated 30.09.2020**
ANNEXURE R1(j)	**True copy of the relevant portion of the Circular issued by the Bank regarding the grant of educational loans dated 31.03.2022**

APPENDIX OF WP(C) NO. 15675 OF 2026

PETITIONER EXHIBITS

Exhibit-P1	**A TRUE COPY OF THE APPLICATION FORM ALONG WITH ANNEXURES FOR EDUCATION LOAN SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DATED NIL.**
Exhibit-P2	**A TRUE COPY OF THE MESSAGE SHOWING THE LOAN APPLICATION VIDE NO. A20260223000067099 REJECTED DATED NIL.**
Exhibit-P3	**A TRUE COPY OF THE LOAN APPLICATION STATUS AS REJECTED DATED NIL.**
Exhibit-P4	**A TRUE COPY OF THE JUDGMENT DATED 03.07.2020 IN W.P.(C) NO. 10968/2020 OF THIS HONOURABLE COURT.**

RESPONDENT ANNEXURES

ANNEXURE R1(a)	**True copy of the statement filed in WPC 10522 of 2026 without annexures**

APPENDIX OF WP(C) NO. 19554 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**THE TRUE COPY OF THE CERTIFICATE ISSUED BY BOARD OF HIGHER SECONDARY EXAMINATION, GOVERNMENT OF KERALA .**
Exhibit P2	**THE TRUE COPY OF THE ADMISSION LETTER DATED 8.05.2026 ISSUED FROM SHRI MARUTI COLLEGE OF NURSING, KARNATAKA .**
Exhibit P3	**THE TRUE COPY OF BONAFIDE CERTIFICATE DATED 8.05.2026 ISSUED FROM SHRI MARUTI COLLEGE OF NURSING, KARNATAKA**
Exhibit P4	**THE TRUE COPY OF THE FEES STRUCTURE DATED 8.05.2026 ISSUED FROM SHRI MARUTI COLLEGE OF NURSING, KARNATAKA**
Exhibit P5	**THE TRUE COPY OF THE CERTIFICATE DATED 4.11.2025 ISSUED BY THE INDIAN NURSING COUNCIL.**
Exhibit P6	**THE TRUE COPY OF THE CERTIFICATE OF AFFILIATION ISSUED BY THE KARNATAKA STATE NURSING COUNCIL, BENGALURU, KARNATAKA.**
Exhibit P7	**THE TRUE COPY OF THE LOAN APPLICATION DATED 19.05.2026 SUBMITTED BY THE PETITIONER.**
Exhibit P8	**THE TRUE COPY OF THE LETTER DATED 20.05.2026 ISSUED BY THE RESPONDENT BANK**