

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Jay Sengupta

WPA 3951 of 2025

Dr. Gairik Maji

-vs-

Union of India & others

For the petitioner	:	Mr. Kallol Bose Mr. Bhaskar Prosad Banerjee Mr. Parashar Baidya Ms. Shreejita Sen Advocates
For the respondent no.12 :		Mr. Soumya Majumder, Sr. Adv Mr. Srijib Chakraborty Mr. Rittick Chowdhury Advocates
For the WBUHS :		Mr. D. N. Maiti Mr. A. Santra Advocates
For the State	:	Mr. Swapan Kr. Dutta Mr. Rajat Dutta Advocates
For the respondent no.1	:	Mr. Ajit Kr. Mishra Mr. Subit Majumdar Mr. Abhishek Dey Advocates

For the respondent no.4 : Mr. Saibalendu Bhowmick
Mr. Biplab Guha
.....Advocates

For the NMC : Mr. Sunit Kr. Roy
.....Advocate

For the WBMCC : Mr. Sirsanya Bandopadhyay
Mr. Arka Kr. Nag
Ms. Deboleena Ghosh
.....Advocates

Heard lastly on : 19.02.2025

Judgment on : 19.02.2025

Jay Sengupta, J:

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is a Doctor by profession having MBBS degree. In the NEET PG 2024-2025, he secured All India Rank of 157166 with a percentile of 27.45. He wanted to get an admission to the post graduate course under the NRI quota. He selected the respondent no.12 as the college of choice. However, as he was required to inquire about the fee structure, he went to the college even before the provisional allotment letter was issued. In fact, he paid a sum of Rs. 10 lakhs in advance on 15.01.2025 upon an understanding with the college authorities that the total Course fees would be around Rs. 2.5 Crores. A provisional allotment letter was issued to the petitioner in respect of the college on 12.02.2025. But, thereafter the college

authorities started demanding more money for admission. In fact, they said that the course fees would be Rs. 4 crores. Unilaterally, the college authorities sent back the said amount of Rs. 10 lakhs to the petitioner on 15.02.2025. It is an unfortunate situation where statutory authorities are permitting the private colleges to run amuck and charge any kind of fees. The WBMCC have some responsibility to supervise such transactions. In fact, they should undertake some kind of inquiry into the present illegality.

Learned senior counsel representing the college denies the allegations and submits as follows. First, it is made abundantly clear in the website of the college about what is the course fees for the post graduate course. In fact, it is Rs. 4 crores for the NRI quota seat. There is no scope for negotiation on this and any such negotiation would be patently illegal. The amount of money that was paid on 15.01.2025 by the petitioner was totally uncalled for. By that time no allotment had taken place. The petitioner was able to send the money on-line because the bank details were available in the website. However, when the petitioner approached the college authorities for talks and wanted to get admission at a lesser fee, the same was denied. The petitioner gave his bank details. That is how the amount could be refunded online to the petitioner on 15.02.2025. If the petitioner does not take admission in respect of the allotted seat with the respondent college, then the college shall be at liberty to place that seat for filling up at the next round of counselling.

Learned counsel for the WBMCC denies the allegations and submits that the law on this point is very clear. Once a seat has been allotted to the

petitioner, the petitioner has to take admission in that seat, if at all. If he does not do so, the seat becomes vacant for placing it at the next round. However, the petitioner is not permitted thereafter to appear for counselling in any other round. He is out of the counselling process.

Learned senior counsel appearing on behalf of the State submits that the stray round of vacancy is scheduled to be held on 22.02.2025. As per the schedule, the payment for availing of the seat allotted is 20.02.2025.

It is indeed very surprising that the petitioner would be paying a sum of Rs. 10 lakhs to the college even before the allotment letter was issued. However, the sum could not have been refunded by the college to the petitioner, if the petitioner had not provided them with the bank details. Therefore, it is evident that if not the first payment, at least the second payment was mutually agreed.

The law on this point has been made abundantly clear by the learned counsel for the WBMCC. Once a seat is allotted to a candidate, he has to take admission in the seat. If he fails to do so for whatever reason, he is out of the process of counselling for the subsequent rounds. In fact, if the petitioner does not get himself admitted in this allotted seat, the seat would be considered a vacant one for further rounds of counselling.

This Court cannot encourage violation of the rules framed in this regard.

In view of the above, the writ petition is disposed of by granting liberty to the petitioner to take admission in the seat that was allotted to him upon payment of requisite fees within the stipulated time.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of without any order as to costs.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)