

S/L 30
16.04.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 8266 of 2025

Kadam Girish Shriram
Vs.
The Union of India & Ors.

Mr. Anindya Bose Mr. Golam Mahiuddin	...for the Petitioner.
Mr. Swapan Kumar Dutta, Ld. AGP Mr. Rajat Dutta (VC)	...for the State.
Ms. Runu Mukherjee	...for the Union of India.
Mr. Sunit Kumar Roy	...for National Medical Commission.
Mr. D.N. Maiti (VC)	...for the Respondent Nos.4-5.
Mr. Uday Sankar Chattopadhyay Ms. Trisha Rakshit	...for the Respondent Nos.9-10.

Affidavit of service filed on behalf of the petitioner in Court today be kept with the record.

The petitioner has completed his MBBS from Maharashtra University of Health Sciences, Nasik. The petitioner thereafter had appeared in the National Eligibility cum Entrance Test (NEET)-PG 2024, being successful he had participated in the online counseling conducted by the West Bengal Counselling Committee. The Committee had allotted the petitioner a seat under private management quota in Special Stray Vacancy round at Icare Institute of Medical Sciences and Research Haldia for pursuing M.S. (General Surgery).

The petitioner is alleging that in spite of payment of course fees of Rs.27 lakhs, he has not been given admission in the allotted college.

Mr. Uday Sankar Chattopadhyay, learned advocate for the said College submits that the deposit of course fees is an unilateral action of the petitioner which itself does not qualify the petitioner to get the admission for which he has to approach the college authority within the cut-off date but the petitioner had failed to do so, as such, at this stage, the prayer of the petitioner for admission cannot be considered, at best the college can return the admission fees.

It appears from the record that the Counselling Committee in the provisional allotment letter had expressly advised the candidates to report and join the allotted college as early as possible.

This Court is informed that all over India March 20, 2025 was the last date for admission but the petitioner admittedly had visited the college on March 27, 2025. Therefore, at this stage it is rightly submitted by Mr. Chattopadhyay that the prayer of the petitioner for admission cannot be considered.

However, he may approach the college for refund of the fees.

WPA 8266 of 2025 is dismissed without any order as to costs.

However, the petitioner is at liberty to approach the college to get back the admission fees.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)