

07 14.01.2025
NB Ct. 17

WPA 18120 of 2024

Srima Patra
Vs.
The State of West Bengal & Ors.

Mr. Dinesh Pani
...for the petitioner.

Mr. Swapan Datta Id.AGP.,
Mr. Dipankar Das Gupta.
...for the State.

Mr. Amitava Chauduri,
Mr. N. Roy.
...for the WBJEEB.

Mr. Nilotpal Chatterjee
...for the INC.

Ms. Upama Bhattacharjee,
Ms. Subeshna Mitra.
...for the respondent nos.6&7.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been cheated by the College authorities. The allegation of the petitioner is that although the College was not affiliated with the West Bengal Nursing Council, the College had received a sum of Rs.1,26,000/- (Rupees One Lakh Twenty Six Thousand only) from the petitioner as application money for GNM Nursing Course. During hearing, it was further contended that the College authorities did not have affiliation with the Indian Nursing Council. The petitioner requested for return of the money well within time, but the College authorities did not accede to such request. It is settled law that in case of failed admission, the College authorities cannot deduct the entire sum paid by a candidate.

Learned counsel appearing on behalf of the respondent nos.6 and 7 denies the allegations and submits as follows. The records clearly revealed that the College authorities had affiliation with the West Bengal Nursing Council. There is no question of having an affiliation with the Indian Nursing Council. The last date of admission was 23.09.2022 and the petitioner for the first time expressed her desire to withdraw only on 14.11.2022. Incidentally, she had taken admission on 29.08.2022. Till date, the seat left by the petitioner has remained vacant and there is no chance of filling up the seat anymore.

Learned counsel appearing on behalf of the Indian Nursing Council submits that there is, however, a provision for return of admission fee paid to the College. But, in such event a prayer for return has to be made within 30 days of the last date of admission.

Admittedly, the last date of admission was 23.09.2022. Although, the petitioner had taken admission on 29.08.2022, she purportedly for the first time expressed her desire to withdraw from the course only on 14.11.2022. Therefore, as per the conditions for return of admission fees, the application for return was made far beyond 30 days as required.

More importantly, the petitioner has not come up before this Court with clean hands. She has falsely alleged that the respondent college authorities were not having affiliation with the West Bengal Nursing Council.

In view of the above, I find no merit in this application. Accordingly, the same is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)