(2010) 06 CAL CK 0002

Calcutta High Court

Case No: Writ Petition No. 8962 (W) of 2009

Debashree Mukherjee		APPELLANT
	Vs	
State of West Bengal		RESPONDENT

Date of Decision: June 16, 2010

Citation: (2012) 4 CHN 428

Hon'ble Judges: Aniruddha Bose, J

Bench: Single Bench

Advocate: Binay Kumar Panda, for the Appellant; Tapan Kumar Jana for the Respondent No. 4 and Nandini Mitra for the University, for the Respondent

Judgement

Aniruddha Bose, J.

In this writ petition, the complain of the petitioner is that she had deposited a sum of Rs. 1,15,00/- with the Pailan College of Management and Technology for admission in B.C.A. course but the said sum is not being refunded, The petitioner had withdrawn from the admission process as she had got chance to pursue her study in a different institution in which in her perception she would have had better career opportunities. The petitioner"s request for refund of the said sum went unredressed. Ms. Mitra, learned counsel appearing for the university submitted that under the rules, the sum deposited is required to be refunded to the students.

2. Appearing for the institution, learned counsel submits that it was only Rs. 65,000/- which was deposited, and a copy of the receipt thereof has been made annexure "P1" to the writ petition.

3. Learned counsel appearing for the petitioner however contends that his client had paid additional sum of Rs. 15,000/- as development fees, which is denied by learned counsel for the institution.

4. I do not think in this writ petition I can examine the question as to whether the aforesaid sum of Rs. 1,15,000/- was paid or not as there is no evidence on payment of the said

sum in its entirety by the writ petitioner. However the petitioner shall be entitled to get back Rs. 65,000/-, which in my opinion has been illegally withheld since the month of July, 2008.

5. Under these circumstances, I direct the respondent No. 4 to issue a demand draft in favour of the writ petitioner for a sum of Rs. 65,000/- within a fortnight. In addition the respondent No. 4 shall pay cost of Rs. 3400/- as there is no plausible reason disclosed as to why the refund was not being made for almost two years. No such explain is given in course of hearing also. The said sum of Rs. 3400/- as cost shall also be paid within the prescribed period of 15 days.

6. The writ petition shall stand disposed of in the above terms.

7. There shall, however be, no order as to costs. Urgent photostat certified copies of this order if applied for, be supplied to the parties as expeditiously as possible.