
(2008) 03 RAJ CK 0071
In the Rajasthan High Court

Bhawana Kumari Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 25-03-2008

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2008) 03 RAJ CK 0071

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for the parties.

2. The petitioner has filed the present writ petition with the following prayer:

(i) the respondents may kindly be directed to charge the fee from the humble petitioner for the General Nursing Training Course 2003-2004 as is being charged by the Government Training Institutions and the respondents may kindly be directed to constitute a committee for the purpose of determining the fee structure for the training course;

(ii) any other order which this Hon'ble Court deems fit may also be passed in the facts and circumstances of the case in favour of the humble petitioner.

3. The petitioner was given admission in General Nursing Training Course for the year 2003-2004 on 12th April, 2004 and she deposited Rs. 15,000/- towards fee on 15th April, 2004. Initially, the fee for the said course was Rs. 41,100/- and the Hostel Fee was Rs. 7,000/-. However, the State Government, vide its order dated 11th June, 2004, decided to fix the fee for the said course as Rs. 35,000/-. A letter was written by the respondent to the petitioner and her father to deposit the remaining amount of Rs. 20,000/- of fee. It appears that the petitioner did not deposit the remaining amount of fee and she left the College in July, 2004.

4. Learned Counsel for the petitioner contended that a sum of Rs. 15,000/-

deposited by her for fee may be ordered to be refunded to her and a suitable direction may be issued to the respondent No. 3 in this regard.

5. Learned Counsel for the respondent No. 3 contended that there were limited seats for the above Course and the petitioner was given admission and it was her duty to deposit the entire amount of fee but she only deposited Rs. 15,000/- and she is liable to pay the remaining amount of fee of Rs. 20,000/-, and when the letter was issued to her for deposit of the remaining amount of fee then she left the College and only to save herself from payment of remaining fee she has filed the present writ petition. He further contended that there is no prayer in the writ petition for refund of the amount of fee of Rs. 15,000/-, therefore, no direction can be given in this regard to the respondents.

6. I have considered the submissions of learned Counsel for both the parties and I find that there were limited seats of the course with the respondent No. 3 and against those seats the petitioner was given admission on 12th April, 2004. The petitioner was required to deposit Rs. 41,100/- but she was given admission on part payment of Rs. 15,000/- only on her assurance that she will deposit the remaining fee later. She also filed an affidavit that she will deposit the remaining amount of fee. However, she did not deposit the remaining amount of fee. Meanwhile, the State Government determined the amount of fee for the said course as Rs. 35,000/- as per recommendation of the Committee constituted for this purpose, and in pursuance thereof the respondent demanded only Rs. 20,000/- as remaining amount of fee from the petitioner, which was not deposited by her and she left the college without any notice or prior intimation to the College and the respondent could not fill up the said seat from other candidates also. I further find that there is no prayer in the writ petition about refund of the amount of Rs. 15,000/- I do not find any legal or constitutional right of the petitioner which is said to have been infringed in the facts and circumstances of the present case so as to invoke extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

7. I do not find any merit in the writ petition and the same is dismissed with no order as to costs.