

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18676 of 2003
Date of Decision.05.01.2015

Harjot Kaur and othersPetitioners

Versus

State of Punjab and othersRespondents

2. CWP Nos.18677, 12237, 19937 of 2003 and 3244 of 2004

Present: Mr. Aayush Arora, Advocate
for the petitioners.

Ms. Vandana Malhotra, Addl. A.G, Punjab.

Mr. Siddharth Sharma, Advocate
for the respondent- Panjab University in CWP No.12237 of
2003.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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K. KANNAN J.

1. All these writ petitions relate to a complaint by the respective petitioners in the writ petitions that the course fee collected for MBBS/BDS course is more than what should be legitimately charged for the year 2003-2004. The issues raised in these writ petitions have already been considered by a Full Bench of this Court in CWP No.17752 of 2005. The Full Bench examined the decisions of the Supreme Court in TMA Pai Foundations Vs. State of Karnataka (2002) 8 SCC 481 stipulating the manner of regulating the tuition fee payable in professional courses. The Full bench particularly examined cases in CWP Nos.12013 of 2003 and 19667 of 2005 which were unaided minority

institutions. The cases were being considered in the light of State notification dated 14.05.2003 for entrance test for admission to MBBS for the year 2003. That provided a fee of ₹ 13,000/- per student for “free seats” and ₹ 1.10 lacs for “payment seats”. The petitioner institutions had issued their prospectus prescribing its rational fee structure i.e. ₹ 4 lacs per annum in the General Category. The said fee structure was accepted by the Medical Council of India. Referring to the policy guidelines issued by the Ministry of Health, Government of India and the decision in TMA Pai Foundation, the Full Bench observed that the private unaided educational institutions shall have the right to determine the fee structure but no capitation fee would be charged and fee structure has to be rational without profiteering but would even include a reasonable revenue surplus for development of education and expansion of education. The Bench answered the issue of what was payable as fee and that every institution was free to devise its own fee structure but the same could be regulated in the interest of preventing profiteering. The decision of Full Bench will govern the issue involved in these cases and I will find no reason for making any interference in favour of the petitioners.

2. All the writ petitions are dismissed.

(K. KANNAN)
JUDGE

January 05, 2015
Pankaj*