

CWP No.12432 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12432 of 2015
Date of decision:10.08.2015**

Dr. Deepak Mangla and others ...Petitioners

Versus

Union of India and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Dr. Anmol Rattan Singh Sidhu, Senior Advocate, with
Mr. Rajbir Attri, Advocate, for the petitioners.

Mr. Deepak Malhotra, Advocate,
for respondents no.1, 3 and 5.

Mr. Nilesh Bhardwaj, DAG, Punjab,
for respondents no.2, 4, 6, 8 & 9.

Mr. Manish Dadwal, Advocate,
for respondent no.7.

Rakesh Kumar Jain, J.

The petitioners have applied against All India quota seats in the Government Medical Colleges at Amritsar and Patiala, for admission in the Postgraduate Medical Courses. They have challenged validity of the notification dated 21.05.2015 issued by respondent no.2, by which the fee for the Post Graduate Degree/Diploma Medical/Post Graduate Dental Courses in the Government Health Sciences Educational Institutions in the State of Punjab for Session-2015 has been fixed as under:-

CWP No.12432 of 2015

[2]

S.No.	Name of Course	Year	Fee per year (Rs.) (in lacs)
1)	M.D./M.S. (Clinical)	1 st year	1.25
		2 nd year	1.5
		3 rd year	1.75
2)	M.D./M.S. (Basic)	1 st year	1
		2 nd year	1.10*
		3 rd yer	1.20*

It is submitted by learned counsel for the petitioners that the fee in the Government Medical Colleges at Amritsar and Patiala, at the time of admission, was fixed @ ₹40,000/-, which has now been increased almost three times, contrary to the promise having been made in the brochure, otherwise the petitioners would not have taken admission in the aforesaid medical colleges. It is also submitted that the counselling for admission to the postgraduate medical courses took place in the following manner:-

Round held	Result declared
1 st round held on 01.03.2015 to 03.03.2015	Result declared on 04.03.2015
2 nd round held on 10.04.2015 to 15.04.2015	Result of the same was announced on 16.05.2015
3 rd round was held on 12.05.2015 to 18.05.2015	Result for the same was declared on 19.05.2015

After declaration of result of the 3rd counselling, the notification dated 21.05.2015 has been issued, as a result thereof, the petitioners are not in a position now to take admission in any other college where the fee is far less.

At the time of notice of motion, the petitioners were asked to deposit the enhanced fee in the meantime, subject to final decision of the present writ petition.

Counsel for the petitioners has submitted that the enhanced fee

CWP No.12432 of 2015

[3]

has been deposited.

The contesting respondents no.2, 6, 8 and 9 have filed their reply in which it is averred that the petitioners were already informed in the General Instructions of the brochure that the admission of the petitioners would be subject to such criteria, as prescribed by the State Government, and the relevant instruction with regard to fee structure is as under:-

“14. The fee structure for the Govt./Privately managed colleges is as per Punjab Govt. notification(s) for Post Graduate Degree/Diploma courses. If later on Punjab Govt. issues any amendment/corrigendum for change in fee structure that will be applicable in letter and spirit.”

It was also provided that *“applicants may kindly note that appearance in AIPGMEE does not confer any automatic rights to secure a Post graduate MD/MS and Diploma seat. The selection and admission to Postgraduate seats in any medical institutions recognized for running MD/MS/Diploma courses as per Indian Medical Council Act, 1956 is subject to fulfilling the admission criteria, eligibility, medical fitness and such criteria as may be prescribed by the respective universities, medical institutions, Medical Council of India, State/Central Government”*.

Further, in the notification dated 25.02.2015, which forms Part-B of the prospectus for the session 2014-15, it is also provided under Clause 27(VI) that the *“fee structure for the Government Institutions for the year 2015 will be as notified by the government”*.

Counsel for the State has also submitted that the fee structure of the Guru Gobind Singh Medical College, Faridkot, was categorically provided in the prospectus, which is as under:-

CWP No.12432 of 2015

[4]

Year	Clinical (Rs.)	Non Clinical (Rs.)
1 st year	125000	100000
2 nd year	150000	110000
3 rd year	175000	120000

It was further provided by giving a note that *“fee for other Govt./Private Colleges will be notified by the Punjab Govt.”*.

Thus, it is submitted that nothing was concealed from the petitioners about the possibility of enhancement of fee at the time when they had decided to take admission in the Government Medical Colleges at Amritsar and Patiala. It is also averred in the reply that at the time when the admission notification dated 23.02.2015 was issued, the respondents were in the process of revising the fee structure in the State Government Medical and Dental Colleges, for which a committee was constituted for fee rationalization, who had decided in its meeting dated 27.03.2015 to enhance the fee of the postgraduate courses in the Government as well as private Medical Colleges of the State and hence, the notification was issued on 21.05.2015. It is further averred that a postgraduate medical student used to pay a paltry annual fees of ₹40,000/- (1st year), ₹45,000/- (2nd year) and ₹50,000/- (3rd year), which comes to ₹1,35,000/- for three years course, whereas the said student is paid a monthly stipend of ₹15,600/- (basic) + 5400 (grade pay) + DA (from Nov 2011), which approximately comes to ₹40,000/- per month. It is further averred that in addition, the non-plan expenditure for Government Medical Colleges at Amritsar and Patiala in the last three years is approximately ₹450 crore and since the Government is spending considerable amount of money in subsidizing medical education,

CWP No.12432 of 2015

[5]

the fee has been enhanced in the larger public interest. It is also submitted that out of the total 19 petitioners, only petitioners no.1, 5, 7, 8, 12 & 17 have deposited their fee as per the notification dated 21.05.2015.

I have heard learned counsel for the parties and examined the available record.

The question involved in this case is only as to whether the petitioners have been taken by a surprise with the enhancement of fee by the respondent-State.

The relevant provisions of the prospectus, referred to here-in-above, clearly show that the petitioners were made very well aware before they could have chosen the Government Medical Colleges at Amritsar and Patiala for seeking admission that the Government has the ultimate power to increase the fee for which it can issue the notification at any time. The enhanced fee structure of Guru Gobind Singh Medical College, Faridkot was specifically mentioned in the prospectus with a note that the fee structure of other Government/Private medical colleges is yet to be determined by the Government, therefore, the petitioners cannot complaint that the respondents have increased/enhanced the fee structure all of a sudden after they had taken admission and are left with no option but to pay the fee.

Thus, in view of the aforesaid facts and circumstances, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

August 10, 2015
vinod*

(Rakesh Kumar Jain)
Judge