

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CWP-15434-2016

Decided on : 06.10.2016

Punjab Pvt. Self Financed Ayurvedic College Assoc.

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present : Mr.Rajive Atma Ram, Sr. Advocate with
Ms.Damanpreet Kaur, Advocate
for the petitioner.

Mr.S.S.Chandumajra, Addl.AG, Punjab.

G.S.Sandhawalia, J. (Oral)

Present writ petition has been filed for a direction to the respondent State to permit 10% increase in fee every year as allowed to MBBS/BDS/Homeopathic Medical College, and to refix the fee structure for Self Financed Ayurvedic Medical Colleges in the State of Punjab with effect from academic sessions 2014-15. Further direction to revise the fee structure after every 3 years to the respondent-State and to permit the Self Financed Ayurvedic Colleges in the State to change the increased fee structure with effect from academic Session 2014-15 (as allowed in the case of MBBS/BDS courses) has been prayed for.

It is the case of the petitioner that representations dated 04.10.2013 and 04.12.2013 (Annexures P/5 and P/7) have been filed but no decision has been taken thereon by the respondent-State.

In the affidavit filed by the State, the factum of the representations is not denied but the plea taken that they did not find favour

with the answering respondent. Various grounds have been mentioned in the written statement as to why increase in Ayurvedic course fee, would not be justified.

Reliance has also been placed upon Section 7(1) of the Punjab Private Health Sciences Educational Institutions (Regulation of admission, fixation of Fees and Making of reservation) Amendment Act, 2006.

A perusal of the amended provisions would go on to show that it is for the State Government to determine the fee to be charged by the Private Health Sciences Educational Institutions. It has to keep in mind the norms of infrastructure as laid down by the concerned council. There is also a provision for determining the provisional fee. The relevant part of the Section reads as under:-

“7(1) The State Government shall determine or cause to be determined the fee to be charged by the private health sciences educational institutions, having regard to the minimum norms of infrastructure and facilities as laid down by the concerned Council.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, in public interest, determine a provisional fee:

Provided that the State Government shall determine fee in accordance with the provisions of sub-section (1) within a period of ninety days from the date of fixation of such provisional fee.”

Apparently, in spite of the representations, this exercise is not conducted despite the fact that there is mandate under the above said provisions.

Resultantly, this Court is of the opinion that the State Government is not justified in not taking a decision on this issue as per

requirement of the Statute. A denial by way of filing an affidavit would not absolve the State which has to give valid reasons by passing a speaking order.

Accordingly, present writ petition is disposed of with a direction to the State Government to take a decision on the above said issues within a period of two months from the receipt of a certified copy of the order.

[G.S.Sandhawalia]
Judge

06.10.2016

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No