

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1003 OF 2017

Sinhgad Technical Education Society & Anr.	.. Petitioners
V/s	
State of Maharashtra & Anr.	.. Respondents

Mr. Vishwajeet Sawant with Mr. Nitin Dhumal for the petitioners.
Mr. A.B. Vagyani, Government Pleader with Mrs. M.P. Thakur, AGP
for respondent no.1.
Ms. Neha Bhide for respondent no.2.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATE : 31st JANUARY 2017

P.C.:

Mr. Sawant, learned counsel for the petitioners, at the outset, submits that prayer clause (a), which pertains to challenge of the vires of the provisions of Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 [for short “the Act”], is not being pressed by the petitioners at this stage.

2. The grievance of the petitioners is in regard to the order dated 16th July 2016 passed by the Fees Regulation Authority [for

short “the Fee Authority”]. The petitioner institution had approached the Fee Authority for fixation of fees to be charged from the students for the academic year 2015-16 for MBBS and MD Courses. By the impugned order, without assigning any reason, the Fee Authority has rejected the review application of the petitioners. It is contended that the petitioners' application was required to be considered individually on its merits considering the permissible expenditure and disallowances. However, by the common order the Fee Authority has rejected the application of the petitioners without assigning any reason.

3. As this is the only contention urged by the petitioners, we feel it appropriate that the matter be remanded to the Fee Authority to be heard and decided afresh on merits of the petitioners' application. Ordered accordingly.

4. We may also observe that applications, which are filed by private managements seeking fixation of fees, are required to be considered and decided individually as each of the applications would have different facets peculiar to the institution. We, therefore, request the Fee Authority to follow a procedure by which each of such applications are heard and decided individually on merits.

5. With the above observations, we dispose of the writ petition keeping all contentions of the parties open on the merits of

the issue. We request the Fee Authority to consider the petitioners' revision application as expeditiously as possible and preferably before commencement of the next academic year. No costs.

(G.S. KULKARNI, J.)

CHIEF JUSTICE