

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.6976 OF 2017

Minority B.Ed. College Management
Association, Aurangabad through its
Secretary

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.S. Thombre, Advocate for petitioner
Mr G.O.Wattamwar, A.G.P. for respondent no.1

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 11th January 2018

PER COURT

1. Mr Thombre, learned Counsel submits that the petitioner is a minority institution running B.Ed. college. The Shikshan Shulka Samiti cannot fix fees to be recovered from the students. In contravention of the same, the respondents are issuing directions to the petitioner.

2. Learned A.G.P. submits that the respondents are not interfering with the right of the petitioner to fix their own fees.

3. Affidavit is filed by the Joint Director, Shikshan Shulka Samiti, Mumbai. Paragraphs 6 and 7 of the said affidavit read thus :

“6. I say and submit that in the meanwhile before receiving clarification from NCTE; Shikshan Shulka Samiti had vide communication dated 4.10.2016 addressed to all Government and Private Unaided and permanently unaided colleges of Education, called upon such colleges

running B.Ed., B.Ed., Integrated, M.Ed., B.P.Ed., M.P.Ed. Courses to fill up on line application for fee fixation for the academic year 2016-2017. The copy of the said communication dated 4.10.2016 is annexed herewith and marked as Exhibit R-4. I say and submit that it is not in dispute that the minority institutions are entitled to fix their fee structure and the said right of minority institution is not taken away or sought to be interfered with by the answering deponent.

7. I say and submit that the impugned communication dated 6.5.2017 calling upon minority institution to submit their proposals as regards fees structure is issued only with a view to monitor and ensure that the fee structure being finalized/fixed by such minority institution would not contravene amended provision of the Regulation of 2002 and more particularly regulation 4 (5) (iv), whereby minority institutions are entitled to have their own fee structure subject to the condition that they would not be indulging in profiteering and levying of capitation fee, with a further provision for reasonable surplus for future expansion of the institution.”

4. The deponent of the said affidavit has clarified that the minority institutions are entitled to have their own fee structure subject to the condition that they would not be indulging in profiteering and levying of capitation fee, with a further provision of reasonable surplus for future expansion of the institution. The petitioner was called upon to submit the proposal of the fee structure.

5. As the respondents have clarified, it is prerogative of the petitioner to fix its own fee structure. The apprehension of the petitioner stands redressed.

6. In view of above, the writ petition stands disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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