

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Ms.JUSTICE P.T.ASHA

W.P. No.16785 of 2017  
and W.M.P.No.18230 of 2017

Jawaharlal Shanmugam

.. Petitioner

-vs-

1. The State of Tamilnadu,  
rep. by The Principal Secretary,  
Dept. of Health and Family Welfare,  
Secretary, Fort St. George,  
Chennai 600 009.
2. The Chairman,  
Committee for Fee Fixation, Dept. of  
Health and Family Welfare, Secretariat,  
Fort St. George, Chennai 600 009.
3. The Secretary,  
Medical Council of India,  
Pocket 14, Sector 8, Dwarka Phase I,  
New Delhi 110 077.
4. The Secretary,  
University Grants Commission (UGC)  
Bahadur Shah Zafar Marg,  
New Delhi 110 002.
5. ACS Medical College, Chennai.
6. Chettinad Hospital and Research  
Institute, Kanchipuram.
7. Meenakshi Medical College and  
Research Institute, Enathur.
8. Rajah Muthiah Medical College,  
Annamalainagar.
9. Saveetha Medical College and  
Hospital, Kanchipuram.

10.Shri Satya Sai Medical College  
and Research Institute, Kanchipuram.

11.Sree Balaji Medical College and  
Hospital, Chennai.

12.Sri Ramachandra Medical College  
and Research Institute, Chennai.

13.SRM Medical College Hospital and  
Research Centre, Kanchipuram.

14.Vinayaka Missions Kirupananda Variyar  
Medical College, Salem.

(RR5 to 14 impleaded as per order  
dt. 5.7.2017 in WP.)

15.The Director,  
Ministry of Human Resource Development,  
Dept. of Higher Education, ICR Division,  
Govt. of India, Shastri Bhawan, New Delhi.

R15 impleaded as per order dated 31.07.2017 in W.P.

16.Union of India, through its Secretary,  
Health and Family Welfare Department,  
New Delhi.

17.The Director General of Health Services,  
Ministry of Health and Family Welfare,  
New Delhi.

(RR 16 and 17 impleaded as per order  
dt. 08.06.2018 in WP)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 25.05.2017 and thereby direct respondent nos.1 and 2 to fix the tuition fee structure for the medical courses, viz., Undergraduate, Post graduate, Diploma courses, Super speciality courses and Dental courses offered by the deemed universities in the State of Tamil Nadu for the academic year 2017-2018; taking into consideration the complete financial statements, i.e. Annual returns of the deemed university and its entities.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.T.N.Rajagopalan,



"6.0 ADMISSIONS AND FEES STRUCTURE

6.1 No institution deemed to be university shall, for admission in respect of any course or programme of study conducted in such institution, accept payment towards admission fee and other fees and charges:-

(a) which is a capitation fee or donation in whatever nomenclature or form;

(b) other than such fee or charges for such admission, which has been declared by it in the prospectus for admission against any such seat, and on the website of the institution,

Provided if there are any fees prescribed in accordance with the Fee Regulations framed by the Government or by the Commission from time to time, then the fees or other charges for admission shall not exceed the same.

(c) .....

6.5 Every institution deemed to be university shall publish, before expiry of sixty days prior to the date of the commencement of admission to any of its courses or programmes of study, a prospectus containing the following for the purposes of informing those persons intending to seek admission to such institution and the general public, namely:-

(i) each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or a programme of study, and the other terms and conditions of such payment;

....."

5.This writ petition pertains to admission to Deemed Medical Colleges in the State of Tamil Nadu. Except for certain facts and figures with regard to numbers, the issues are more or less identical. It is stated that fees charged by the Deemed Universities which ranges between Rs.25 lakhs and Rs.35 lakhs are exorbitant.

6.Mr.V.T.Gopalan, learned Senior Counsel, appearing on behalf of some of the private deemed universities, submits that the fees are quite reasonable, considering the expenditure involved in running medical institutions. The approximate expenditure on each medical student far exceeds the fees actually paid by them.

7.He submits that while Government institutions can absorb losses, private institutions cannot. They also need to clear commercial loans, etc. obtained to set up the university.

8.Be that as it may, it appears to us that fees varying between Rs.25 lakhs and Rs.35 lakhs per annum is, prima facie, far too high and the Fee Committee constituted by the University Grants Commission (UGC) ought to make an in-depth study and recommend the fees to be charged by these institutions. Needless to mention that fees shall be regulated and streamlined taking into account all relevant factors.

9.The UGC undertakes to constitute a Committee forthwith and in any case, within 30.06.2018. The Fee Committee shall submit its recommendation and/or report within six (6) weeks from date.

10.We are informed that the Fee Committee has fixed a fee of Rs.11.5 lakhs per annum for students taking admission to the MBBS Course under the Management Quota in private medical colleges which are not 'deemed universities'.

11.Students shall be admitted to the deemed universities subject to payment of Rs.13 lakhs, on condition that after the Fee Committee determines the fees, if the fee is found to be higher than Rs.13 lakhs per annum, the concerned students will have to pay the balance. Needless to mention that if the fees determined is lower, the concerned students will be entitled to refund.

12.Needless to mention that the Fee Committee shall give all stakeholders a hearing.

With these observations, the writ petition shall stand disposed of. No costs. Consequently, W.M.P.No.18230 of 2017 is closed.

-s/d-  
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

sra

To

1.The The Principal Secretary to  
Govt. of Tamilnadu,  
Dept. of Health and Family Welfare,  
Secretary, Fort St. George,  
Chennai 600 009.

WEB COPY

2.The Chairman,  
Committee for Fee Fixation, Dept. of  
Health and Family Welfare, Secretariat,  
Fort St. George, Chennai 600 009.

3.The Secretary,  
Medical Council of India,  
Pocket 14, Sector 8, Dwarka Phase I,  
New Delhi 110 077.

4.The Secretary,  
University Grants Commission (UGC)  
Bahadur Shah Zafar Marg,  
New Delhi 110 002.

5.The Director,  
Ministry of Human Resource Development,  
Dept. of Higher Education, ICR Division,  
Govt. of India, Shastri Bhawan, New Delhi.

6. The Secretary to Govt. of India,  
Ministry of Health and Family Welfare,  
New Delhi.

7.The Director General of Health Services,  
Ministry of Health and Family Welfare,  
New Delhi.

+2 CCS to Mr.A. Jinasenan, Advocate sr 36144.

+1 CC to Govt. Pleader sr 36044.

+1 CC to Mr.M. Velmurugan, Advocate sr 35495.

+1 CC to Mrs.B. Saraswathi, Advocate sr 35974.

+1 CC to Mr.B. Rabumanohar, Advocate sr 35951.

+1 CC to Mr.V.P. Sengottuvel, Advocate sr 35944.

+1 CC to Mr.K. Kumaresh Babu, Advocate sr 35900.

+1 CC to M/s. Menon, Karthik, Mukundan & Neelaknadan, Advocate  
sr 36201

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NRI (CO)  
SP(14/06/2018)