

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2291 of 2019**

- Lord Buddha Educational Society Through Authorized Signatory Krishna Kumar Vadhwa, Aged About 54 Years, S/o Shri Mangu Ram Vadhwa, R/o Raipur Institute Of Medical Science Medical College (RIMS), Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Department Of Health And Family Welfare, Mahanadi Bhawan, New Mantralaya, District Raipur Chhattisgarh
2. Admission And Fee Regulatory Committee Through Its Chairman, Polytechnic College Campus, Byron Bazaar Raipur, District Raipur Chhattisgarh
3. Directorate Of Technical Education Indrawati Bhawan, Naya Raipur, Raipur, District Raipur Chhattisgarh
4. Pandit Deendayal Upadhyaya Memorial Health Science And Ayush University Through Its Registrar, Sector - 40, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sudeep Agrawal and Shri Surfraj Khan, Advocates
For Respondents/State	:	Shri Rahul Jha, GA
For Respondent No.4	:	Shri Ajay Dwivedi, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/07/2019**

1. Heard.
2. The petitioner society runs a medical college named and styled as Raipur Institute of Medical Science Medical College (RIMS) has filed this petition with

the following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to issue a suitable writ (s), direction (s), order (s), by quashing the impugned resolution dated 14.06.2019 (Annexure P/1) (only in respect to the petitioner) and further be pleased to command the respondent authorities, particularly respondent No.2 to reconsider the fixation of fee(s) as per the **Chhattisgarh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2008** (with necessary amendment incorporated) by deciding the petitioner's representation (Annexure P-2) within a stipulated period/time.

10.2 The Hon'ble Court may kindly be pleased to call for the record from the respondent authorities.

10.3 Any other relief, which the Hon'ble Court deems fit and proper looking to the facts and circumstances of the case, may also be granted.”

3. It is contended by the petitioner that the fees has been determined by the respondent No.2 Admission and Fee Regulatory Committee on 14.06.2019 but in the fees so fixed by the committee certain facts were not considered which occurred with the change of time. Learned counsel for the petitioner submit that earlier the fixation of fees determined by the committee was subject of scrutiny by the State Government but now the said power has been taken away, therefore, the committee would be the supreme authority. He further submits that since with the change of time as 3 years has already passed to the earlier determination, in view of the spirit and object of the amendment made in 2014 in sub-section 8 of Section 4 of the Chhattisgarh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan Sanshodhan) Adhiniyam, 2014 (for short 'the Adhiniyam, 2014'), which provides that in order to determine the fees charged by a private professional educational institution for each professional course, the fees determination committee may require the

institution to furnish such information within such time frame as it may deem necessary. He would further submit that the said informations were furnished to respondent No.2 Committee, however, ignoring the same the order dated 14.06.2019 has been passed, therefore, a representation has been made afresh on 19.06.2019 to reconsider the same in view of the spirit of amended sub-section 8 of Section 4 of the Adhiniyam, 2014.

4. Sub-section 8 of Section 4 of the Adhiniyam, 2014 is reproduced hereunder:-

“Section 4 (8) To enable determination of the fee that may be charged by a private professional educational institution in respect of each professional course, the Committee may require the institution to furnish such information within such time frame as it may deem necessary and the fee fixed thereafter by the Committee shall be valid for such period as the State Government may notify:

Provided that upon receipt of any intimation that an institution has collected any amount other than the fee fixed by the Committee, the State Government may refer such intimation to the Committee, and upon receipt of such reference, the Committee may deem such intimation to be a complaint made under sub-section (9) and the person giving the intimation to be complainant.

Explanation.- In case an intimation of collection by a private professional educational institution of any amount other than the fee fixed by the Committee, is given by any person to any public authority, or to one or more officers of the State Government, or to the University to whose privileges the institution concerned is admitted, and the State Government directly or indirectly receives such intimation from said authority or officer or University, such person shall be deemed to be the complainant for the purposes of the second proviso.”

5. Considering the limited prayer made by the petitioner that the respondents may be directed to decide the representation of the petitioner and also considering the amendment made in sub-section 8 of Section 4 of the Adhiniyam, 2014 it is observed that respondent No.2 shall decide the representation of the petitioner

within a further period of three weeks from the date of receipt of copy of this order.

6. It is further made clear that this Court has not made any observation on the merits of the case as to the quantum of fixation of fees.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu