

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20840 of 2019

Vikash Kumar Neelam, Son of Sri Shiv Narayan Sah, Resident of 35, North Maheshwari Haripur, P.S.-Araria, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. Katihar Medical College and Hospital, through its Principal, Karimbagh, Katihar, District-Katihar.
4. Education Fee Fixation Committee through its Chairman, State Health and Family Welfare Campus, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arvind Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Birju Prasad (Gp13)
For respondent no.3	:	Mr. Dharmeshwar Mishra, Mr. Sanjay Kumar Srivastava, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-02-2021

Petitioner has prayed for following relief:-

“ (a) For quashing the order dated 28.06.2019 issued under the signature of Principal, katihar Medical College, Katihar, as contained in Annexure 4 by which Rs.14,37,500/- fee has been fixed per annum for the students admitted in Session 2016-17, 2017-18 of 1st MBBS course 28th Batch and 29th Batch payable from the year 2019-20 till further notice on. It is further resolved tuition fee for the student out of student of NRI quota has been revised and increased by 15% per annum in the academic year.

(b) Also for directing the respondents to ensure fee structure fixed by the educational fee fixation committee of kathiar Medical College, Katihar, Narayan Medical College,



Jamuar, Rohtas, at Sasaram, Mata Gujai Medical College, Kishanganj based on recommendation of the committee which has issued notification for the academic year 2018-19, 209-20 and 2020-21 Rs.7,38,000/-, development fee 1,00,000/- total 8,38,000/- for the academic Sessions 2018-19, 2019-20 and 2020-21 for the MBBS Graduate course 5 years which was issued on 20-07-2018 under the signature of Joint Secretary, Health Department, Govt. of Bihar, Patna be maintained also directed to the Health Department and the Medical Council of India to take legal action against Katihar Medical College who has increased the fee structure of the MBBS course from 7,38,000 to 14,37,500/- in de recognizing the affiliation of Katihar Medical College and taking criminal action for acting against the decision of the Hon'ble High Court, Patna on 10-09-2018 in C.W.J.C. No. 15966/16 as contained in Annexure -3.

(c) Also declaring action of the State respondents in not taking action against Katihar Medical College with respect to increasing the fee structure on 28-06-2019 as contained in Annexure -4 from 7,38,000/- to 14,37,500/- is criminal misconduct an act of arbitrariness, mala fide and bad in law.

(d) Also for necessary releif/reliefs, order/orders, directions for which the petitioners may be also entitled too under the facts and circumstances of the case.”

Having heard learned counsel for the parties, we are of the considered view that natural justice would be best served if the petition is disposed of in the following mutually agreeable terms:-

Petitioner shall make a fresh representation to the appropriate authority, including the Principal Secretary, Health Department, Govt. of Bihar, Patna, who shall, after hearing all



concerned, take a decision thereupon within a period of three months.

Any person aggrieved by the order passed or action taken shall have liberty to take recourse to such remedy as available in accordance with law.

We clarify that we have not adjudicated the *lis* on merit and all issues are left open for the authority to take appropriate action. If the authorities, based on the factual matrix, arrive at a conclusion that the respondent / institution having charged fee in excess of the statute or direction issued by the Hon'ble Apex Court, an appropriate action shall positively be taken against the concerned persons.

Learned counsel for respondent no.3 seriously refutes the allegation made by the petitioner with regard to the charging of excess fee.

Accordingly, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

