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W.P.A. 14175 of 2022

**Krishna Kumar Gupta & Ors
Versus
The State of West Bengal & Ors**

Mr. Ratnankop Banerji, Sr. Adv
Mr. Sabyasachi Chowdhury,
Mr. Soumya Mazumdar,
Mr. shounak Mitra,
Ms. Prerona Banerjee,

... For the petitioners.

Mr. Samrat Sen, Sr. Adv ... For the State
Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,

The petitioner is a trust which runs a Medical College namely, Jagannath Gupta Institute of Medical Sciences & Hospital. The petitioner challenges an order dated February 3, 2022, issued by the Special Secretary, Medical Education Department of Health and Family Welfare, West Bengal whereby a fee structure for the students was prescribed for the academic session 2021-22 for the said college.

It has been submitted by Mr. Ratnanko Banerji, learned senior advocate appearing for the petitioners that a plain reading of the order impugned reveals that the Permanent Committee for fee fixation did not provide any reasons as to why the proposal given by the trust with regard to the fee structure was not accepted. He relies upon a judgment of Co-ordinate Bench of this Court passed in WP 14910 (W) of 2017 to suggest that the Permanent Committee for fee fixation which was

constituted as per the direction of the Hon'ble Supreme Court reported at (2003) 6 SCC 697 (Islamic Academy Education –vs State of Karnataka) must provide reasons for not accepting the proposal of the trust.

The relevant part of the said Co-ordinate Bench judgment is quoted below:

“ (26) ... If the fee fixation Committee finds the fee structure proposed by an institution to be unacceptable, it must record reasons therefor. Only then, would the Committee be entitled to propose a different fee structure. The Committee must explain with sufficient clarity as to what is wrong with the scale of fees suggested by the management of the institution. In my opinion, without recording a clear finding supported by reasons to the effect that the Managing Committee's proposal is unfair or unreasonable or otherwise unacceptable, the fee fixation Committee does not get jurisdiction to propose a different fee structure.”

Mr. Samrat Sen, learned senior advocate appearing for the State submits that the fee structure has been prescribed by the Committee as an interim measure, only to ensure that the admission of the students for the present academic session 2021-22 is not hampered.

It has been submitted by Mr. Sen fairly that if the management comes up with a fair proposal before the committee, it will hear the management and consider the revision of the fee structure in terms of the extant guidelines/rules.

It has further been submitted that an e-mail was sent to the trust on March 14, 2022, for the segmental report for fee fixation, as in the earlier proposal, the fee

structures of the medical college and the hospital run by the trust were clubbed.

In view of stand taken by the State, I do not find that there is any justification in keeping this writ petition pending.

The trust will respond to the e-mail dated March 14, 2022 sent by the Permanent Committee within a period of two weeks from date. After the response is received from the trust, the committee will take a decision with regard to the fee structure for the students under the management quota as well as the State quota within a period of six weeks thereafter.

The present fee structure, as approved by the committee, will continue until the new fee structure is approved.

Accordingly, WPA 14175 of 2022 is disposed of.

Let urgent certified copies of this order, if applied for, be given to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)