

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7165 of 2022

***Dr. Ramkrishna Mahaptra and
others***

Petitioners

*Mr.B. Routray, Senior Advocate along
with Mr. S.D. Routrary, Advocate*

Vs.

State of Odisha and others

Opposite parties

Mr. B.P. Tripathy, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

17.03.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Routray, learned Senior Advocate along with Mr. S.D. Routray, learned counsel for the petitioners and Mr. B.P. Tripathy, learned Additional Government Advocate.

3. The petitioners file this writ petition seeking direction to the opposite parties to fix the admission fees in Hi-Tech Medical College and Hospital at par with the fees structure for admission in Government Medical Colleges in terms of the office memorandum dated 03.02.2022 under Annexure-3 issued by the Fee Regulating Committee of the National Medical Commission. The petitioners have also prayed that no extra fees be asked from the petitioners in the midst of the academic session as per Clause-6 of the office memorandum dated 03.02.2022 and the provisions of Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2007.

4. Mr. B. Routray, learned Senior Advocate contended that counseling for admission of candidates for Post-Graduate (Medical) Courses of three Medical Colleges of the State as well as other similarly situated Private Colleges is going to be held from 24.03.2022. He, however brought to the notice of this Court that in the previous year when the candidates took admission in Hi-Tech Medical College,

Bhubaneswar, in the midst of the session, the authorities directed the candidates to pay higher fees, though at the initial stage they had accepted the regulation and admitted the students as per the fee structure. Such hike of price in the midst of the session is absolutely contrary to the guidelines issued by the Government. Thereby, allegations were made before the Directorate of Medical Education & Training, Odisha by the PG aspirants for the academic session 2021-22 regarding demand of fees exceeding the approved rate of Government. The same has been considered and the DMET vide letter dated 27.01.2022, intimated the Principal, Hi-Tech Medical College & Hospital, Bhubaneswar as well as Hi-Tech Medical College & Hospital, Rourkela to accept the reporting of admitted State Quota candidates without any extra fees, other than as prescribed in Government guidelines and any further information regarding the fee structure of SQ & MQ, if notified by Government in future, shall be followed. But fact remains, if any particular fee structure is prescribed for the private institutions by the authority, it will not cause any difficulty to the petitioners to abide by the same, but after taking admission, no coercive measure should be taken by the private institutions in hiking the fees than that of the fee fixed by the authority, vide office memorandum dated 03.02.2022 under Annexure-3, which is causing prejudice to the petitioners. Consequentially, Mr. B. Routray, learned Senior Advocate contended that the petitioners may be permitted to approach the Government by filing a fresh representation and the authorities may be directed to consider the same and pass appropriate order so as to save the career of the students those who are prosecuting their higher studies.

5. Mr. B.P. Tripathy, learned Additional Government Advocate contended that once the fee has been fixed by the institutions in accordance with the office memorandum issued by the Fee Regulating Committee of the National Medical Commission, there is no question

of enhancement of the same at the level of the private institutions and if at all the petitioners have any grievance, they may approach the authority concerned, as because it is the Government, which has complete domain over the institutions; and the same can be considered in accordance with law.

6. Having heard learned counsel for the parties and after going through the record, it appears that once the fee structure has been prescribed by the authority in terms of the office memorandum dated 03.02.2022 under Annexure-3 issued by the Fee Regulating Committee of the National Medical Commission, the same should be adhered to and in the event any admission is taken place pursuant to such fee structure to any private institutions, including Hi-Tech Medical College & Hospital, they cannot demand more fees in the midst of the session without prior approval of the State authorities or Competent Authority in accordance with law.

7. In view of the above, let the petitioners file a fresh representation highlighting their grievance before opposite party no.1 within a period of seven days, so that the said opposite party can consider the same and pass appropriate order in accordance with law, as expeditiously as possible, preferably within a period of one week before admission to the course in question is taken up in the Private Medical Colleges of the State.

8. With the above observation/direction, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun

(SAVITRI RATHO)
JUDGE