

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.798 of 2023

Madhubani Medical College Madhubani through its Managing Director namely Tausif Ahmad, aged about 31 years, (Male), Son of Faiyaz Ahmad, Resident of Stadium Road, Bhavara, P.S.- Town Thana, Madhubani, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Educational Fee Fixation Committee through its Member Secretary.
4. The O.S.D. (Health)-Cum-Officer-in-Charge, Educational Fee fixation Committee, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Adv Mr. Satyam Shivam Sundaram, Adv
For the Respondent/s	:	Mr. Pankaj Kumar (Sc12), Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 07-03-2024

Heard Mr. Amit Shrivastava, learned Senior Counsel for the Madhubani Medical College, Madhubani (petitioner herein) as well as Mr. Pankaj Kumar (SC 12), learned counsel for the State.

2. The petitioner has moved this Court for following reliefs:-

(i) For setting aside the order contained in Memo No.381 dated 20.12.2022 issued by the Educational Fee Fixation Committee, Bihar (hereinafter referred to as "Committee") whereby and where under the Educational Fee earlier fixed as Rs.13,50,000/- was reduced to Rs.9.53 lacs for



the Batch 2021-26 for MBBS course and further directed the institution to refund the differential amount to the students within 30 days from the date of order, failing which the institution will have to pay 9% interest upon the amount, if paid, within next 30 days i.e. within 60 days from the date of the order and in the event of failure, the college will be liable to pay compound interest @ 18% till the date of actual payment.

(ii) For a declaration that the impugned order passed by the Educational Fee Fixation Committee is bad, illegal, arbitrary and in violation of principle of natural justice.

(iii) For any other relief/reliefs to which the petitioner is found entitled to.

3. Learned Senior Counsel for the petitioner submits that the Committee has passed the impugned order without hearing the petitioner and without considering the guidelines of the N.M.C. dated 03.02.2022.

4. Mr. Shrivastava, learned Senior Counsel further submits that he only wants to set the aside the impugned order and remit back to the Committee for fresh hearing of the petitioner and pass a speaking and reasoned order.

4. Accordingly, this writ application is disposed of with a direction to the petitioner to file a representation within one



month, before the Educational Fee Fixation Committee, consisting of five members, along with a copy of this order and other documents in support of his claim. The Educational Fee Fixation Committee shall dispose of the representation of the petitioner within a period of three months by way of passing a speaking and reasoned order.

5. It is made clear that the Committee shall be held responsible non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

