



W.P.No.34363 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.34363 of 2024

and

Writ Miscellaneous Petition Nos.37231 & 37232 of 2024

The Tamil Nadu Self Financing
Medical Colleges Association
Rep. By its Secretary,
New No.17, Old No.8,
Mannar (Reddy) Street,
T.Nagar, Chennai – 600 017.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary,
Department of Health & Family Welfare,
Fort St.George, Chennai – 600 009.
- 2.The Committee on Fixation of Fee,
In respect of Private Self-Financing Colleges,
F-1, DOTE Staff Quarters,
Gandhi Mandapam Road,
Chennai – 600 025.
- 3.The Directorate of Medical Education and Research
Rep. by its Director,
College Road, Chennai – 600 006.



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4.The Selection Committee,
Rep. by its Secretary,
Directorate of Medical Education and Research,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.

5.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
Maduravoyil, Chennai – 600 032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent Committee on Fixation of Fee dated 15.10.2022 and the consequential proceedings dated 19.09.2024 fixing the fees for Under-Graduate MBBS Courses in the Self-financing Medical Colleges under the petitioner-association for the academic years 2022-23, 2023-24 and 2024-25, quash the same and further direct the 2nd respondent Committee on Fixation of Fee to fix fees afresh by considering each Self-financing Medical College as individual institution based on their respective proposals.

For Petitioners : Mr.Isaac Mohanlaal, Senior Counsel
For M/s.Isaac Chambers

For RR1, 3 & 4 : Mrs.M.Sneha
Special Counsel

For R2 : Mrs.T.Reena

For R5 : Mr.A.Mohamed Gouse



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ORDER

WEB COPY (Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ on hand has been instituted to assail the fee fixed by the Committee in proceeding dated 15.10.2022 and the consequential proceedings dated 19.09.2024, which was issued in pursuance to the complaint received by the Committee.

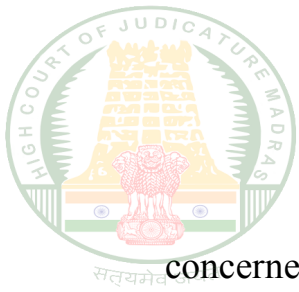
2. Mr.Isaac Mohan Laal, learned Senior Counsel appearing on behalf of the writ petitioner would mainly contend that the guidelines issued by the Constitution Bench of the Hon'ble Supreme Court of India in the case of *Modern Dental College and Research Centre and Others vs. State of Madhyapradesh and Others* reported in (2016) 7 SCC 353 have not been followed in its letter and spirit rather, the Committee fixed the fees resulted in discrimination amongst different kinds of institution in the matter of providing amenities, infrastructures, facilities, etc. Uniform fixation of fee has not been contemplated by the Supreme Court. The respective institutions are at liberty to submit a proposal which must be considered in the context of the facilities provided to the students in the College concerned. However, the said criteria have not been completely adhered to, which resulted, financial loss to some of the institutions who all are the members of the petitioner's association. Even the



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fee reiterated by the Committee is also not inconsonance with the principles settled by the Apex Court. Thus, an appropriate direction is to be issued by this Court.

3. The learned counsel for the respondents would oppose by stating that the Fee Committee constituted in pursuance to the directions issued by the Supreme Court of India considered all the requisite aspects. The Committee in its order dated 15.10.2022 which is impugned has stated that the Committee verified the Expenditure Statement based on the 20 Major heads namely Salaries and allowances including PF (Teaching, Non-Teaching and Administration), Welfare Expenses, Electricity Charges, Telephone, Postage & Internet, Equipment purchase, Books & Periodicals, Printing & Stationary, Consumable, Research and Development, University affiliation fees and Inspection Charges, Sports, Games, Meetings and Functions, Awards, Merit Scholarship, Travelling and Conveyance, Repairs and Maintenance, Depreciation, Advertisement and Miscellaneous Expenditure. Relying on the findings of the Committee, the learned counsel would submit that there is no violation of the directions issued by the Apex Court and it was scrupulously followed by the Committee. That apart, the period of 3 years is expired as far as the impugned fixation is



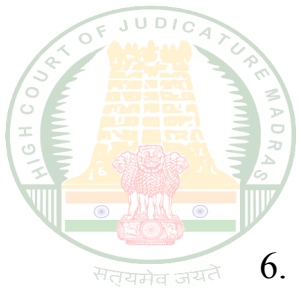
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years.

concerned. However, it is contended that the fee fixed will continue up to five

4. It is not in dispute the Committee constituted is a permanent Committee therefore, they can initiate steps to consider the issues in a pragmatic manner considering the present-day cost index and the expenditures met by these institutions while fixing the fee to be collected from the students' securing admissions in institutions.

5. The Constitution Bench in *Modern Dental College* case cited supra dealt with fixation of fee from paragraph Nos.71 to 81. It is needless to reiterate the said principles as the Committee and the parties are well aware of this and the only point to be considered is that the guidelines issued are to be considered in its letter and spirit, so as to strike a balance between the expenditure incurred by the institutions and to prevent collection of excess or exorbitant fee from the students' securing admissions. The endeavor of the Committee is to ensure that the students are not being harassed by the institutions and also to protect the sustenance of the institutions and to impart better education to the students.

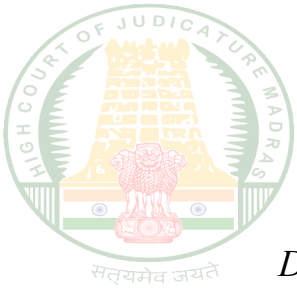


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6. This being the basic concept under which these principles are derived by the Apex Court, all concerned are expected to borne in mind while taking decisions in an impartial manner and uninfluenced by other situations if any, brought before the Committee or to the Government. The institutions are also expected to keep in mind that they cannot commercialize the educational institutions as held by the Hon'ble Supreme Court. The Committee may provide opportunity of personal hearing to the institutions through their representatives/auditors or lawyers.

7. The learned Senior counsel for the petitioner brought to the notice of this Court that the principles laid down by the Constitution Bench in ***Modern Dental College*** case cited supra are reiterated by the Apex Court in the subsequent Judgment in the case of ***Najiya Neermunda and Another etc., vs. Kunhitharuvai Memorial Charitable Trust & Others etc.***, in ***Civil Appeal Nos.617 – 634 of 2021, dated 25.02.2021***. The Supreme Court made the following observations

“Suffice it to mention that the Committee shall reconsider the proposals of the of the managements for fee fixation 2017-18 onwards by taking into account the factors mentioned in Section 11 of 2017 Act and the law laid down by this Court in Modern

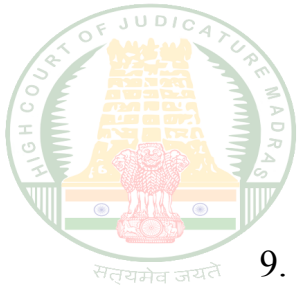


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Dental College & Research Centre (Supra). The delay that is cause in finalizing the fee in medical colleges is beneficial neither to the institutions nor the students. Therefore, we direct the Committee to expeditiously reconsider the proposals of the private self-financing colleges for fee fixation from 2017-18 onwards. Needless to mention that fee for earlier years also needs to be finalized in case it has not been done in respect of any college. It can direct the managements to furnish any information that is required for the purpose of arriving at a decision that the fee proposed by the managements is neither excessive nor exploitative in nature. A reasonable opportunity should be given to the managements of private self-financing colleges in respect of their proposals for fee fixation. The entire exercise shall be completed within a period of three months from today.”

8. In view of the above Judgment, the respective institutions are entitled to be heard by the Committee and to file documents if any, they rely on. The Committee, on receipt of any such revised proposal submitted by the respective institution shall consider or reconsider as the case may be and take a final decision and communicate the same to the institution without causing any undue delay.

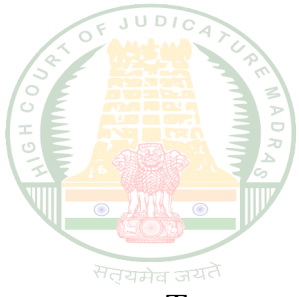


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9. Accordingly, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are also stands closed.

(S.M.S., J.) (K.R.S., J.)
21.03.2025

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Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No



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