



CWP No.30598 of 2024 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.30598 of 2024 (O&M)
Date of decision: 30.10.2025**

GOURAV

..PETITIONER

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sardavinder Goyal, Advocate with
Mr. Nishant Sindhu, Advocate
for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

Mr. Pankaj Rana, Advocate
for respondent No.2.

ASHWANI KUMAR MISHRA, J.(ORAL)

1. This petition seeks to assail the order dated 21.08.2024 passed by respondent No.1/Additional Chief Secretary, Department of Animal Husbandry Haryana, whereby the tuition fee for Veterinary and Livestock Development Diploma course in State of Haryana has been fixed at Rs.1,80,000/- per annum for State quota and Rs.2,50,000/- per annum for Management quota.

2. Learned counsel for the petitioner submits that for the corresponding previous years 2023-24, the fee was Rs. 90,000/- and Rs. 1,50,000/- for the State Quota and Management quota, respectively. For the

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Academic Session 2024-2025 fee has been enhanced by almost 100 % in respect of State quota, whereas substantial enhancement appears to exist in respect of the management quota.

3. Repeated orders have been passed requiring the respondent/State to clarify the basis on which the said enhancement in fixation of fees has been made. The order passed by this Court on 20.05.2025, is reproduced as under:-

“The only grievance of the petitioner is against enhancement in quantum of annual fee of Rs. 90,000/- for State quota and Rs. 1,50,000/- for Management quota for academic session 2023-24, to Rs. 1,80,000/- for State quota and Rs. 2,50,000/- for Management quota for academic session 2024-25, vide communication dated 21.08.2024 (Annexure P-4).

The impugned communication dated 21.08.2024(Annexure P-4) mentions about a committee having been constituted, which deliberated on the fee structure.

Learned counsel for the State of Punjab is directed to produce minutes of the said committee, which recommended enhancement in the quantum of fee structure.

List on 05.08.2025.”

4. The matter was again taken up on 18.08.2025 and the following order was passed:-

“Pursuant to the previous order passed, the Minutes of the Meeting have been placed before the Court which does not contain any reason for enhancement in fees.

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Learned State counsel, however, submits that there are justifiable reasons available with the State on account of which the fee has been enhanced.

Let such material be placed on record by way of an affidavit to be filed within four weeks.

Adjourned to 01.10.2025.”

5. Pursuant to the above orders, an affidavit has been filed by the Director General, Animal Husbandry and Dairying Department, Haryana, on behalf of respondent No.1, which records that the fee fixed for State quota and Management quota remained unaltered from 2011-12 to 2022-23. During the aforesaid period of 11 years, the tuition fee for State quota was Rs.60,000/- while for the Management quota, it was Rs. 1,25,000/- per annum. In the next year i.e. 2023-2024, there was an enhancement in the tuition fee for both the State quota and Management quota. For the State quota, the fee was enhanced to Rs.90,000/- while for the Management quota, it was Rs. 1,50,000/- per annum. Apart from stating that for 11 years, fee was not enhanced, no other material is placed on record, by the State, which may indicate that the enhancement in the fee for academic session 2024-2025, is based on any objective consideration of relevant material on record.

6. We are of the view that once the enhancement of fee has taken place in the year 2023-2024 from the earlier level of Rs. 60,000/- for State quota to Rs.90,000/- and in respect of Management quota from Rs.1,25,000/- to Rs. 1,50,000/-, any subsequent increase in the fee ought to have been based only upon existence of relevant material. Though a Committee for such purpose has already been constituted but except for the conclusions



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drawn, there is no material to demonstrate that the enhancement in fee, for academic session 2024-2025, is based upon any valid consideration. Since the fee is virtually doubled once a year in case of State quota and substantial hike is shown to exist in respect of Management quota without any corresponding basis on record, as such we are of the view that State Government is required to revisit the matter based upon relevant consideration in terms of the law laid down by the Supreme Court in the case of *TMA Pai Foundation v. State of Karnataka*, 2002 (8) SCC 481, *P.A. Inamdar & Ors. vs. State of Maharashtra and Ors.* 2005(6) SCC 537 and *Islamic Academy of Education and Another vs. State of Karnataka and Ors.* 2004(1) BCR 593. In *Islamic Academy of Education and Another vs. State of Karnataka and Ors.* 2004(1) BCR 593, *Supreme Court* has made following observations in para 163 to 169.

“While determining the fee structure, safeguard has to be provided for so that professional institutions do not become auction houses for the purpose of selling seat. Having regard to the statement of law laid down in para 56 of the judgment, it would have been better, if sufficient guidelines could have been provided for. Such a task which is a difficult one has to be left to the Committee. While fixing the fee structure the Committee shall also take into consideration, inter alia the salary or remuneration paid to the members of the faculty and other staff, the investment made by them, the infrastructure provided and plan for future development of the institution as also expansion of the educational institution. Future planning or improvement of facilities may be provided for. An institution may want to invest in an expensive device (for medical colleges) or powerful computer (for technical college). These factors are also required to be taken care of. The State must evolve a detailed procedure for constitution and smooth functioning of the Committee.

While this Court has not laid down any fixed guidelines as regard fee structure, in my opinion, reasonable surplus should ordinarily vary from 6% to 15% as such surplus would be utilized for expansion of the system and development of education.



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The institutions shall charge fee only for one year in accordance with the rules and shall not charge the fees for the entire course.

Profiteering has been defined in Black's Law Dictionary, Fifth edition as

"Taking advantage of unusual or exceptional circumstances to make excessive profits".

With a view to ensure that an educational institution is kept within its bounds and does not indulge in profiteering or otherwise exploiting its students financially, it will be open to the statutory authorities and in its absence by the State to constitute an appropriate body, till appropriate statutory regulations are made in that behalf.

The respective institutions, however, for the aforementioned purpose must file an appropriate application before the Committee and place before it all documents and books of accounts in support of its case.

Fees once fixed should not ordinarily be changed for a period of three years, unless there exists extraordinary reason. The proposed fees, before indication in the prospectus issued for admission, have to be approved by the concerned authority/Body set up. For this purpose the application should not be filed later than April of the preceding year of the relevant education session. The authority/Body shall take the decision as regards fees chargeable later by October of the year concerned, so that it can form part of the prospectus. No institution should charge any fee beyond the amount fixed and the fee charged shall be deposited in a nationalized bank. In other words, no employee or any other person employed by the Management shall be entitled to take fees in cash from the students concerned directly. The statutory authority may consider the desirability of framing an appropriate regulation inter alia to the effect that in the event it is found that the management of a private unaided professional institution has accepted any amount other than the fees prescribed by the Committee, it may have to pay a penalty ten to fifteen times of the amount so collected and in a suitable case it may also lose its recognition or affiliation.

However, there cannot be any doubt that before any such order is passed the institutions concerned shall be entitled to an opportunity of being heard. For the aforementioned purpose, the State shall set up a machinery to detect cases where amounts in excess of permitted limit are collected as it is the general experience that students pay a huge amount."

7. Since the petitioner has applied in diploma course for the session 2024-2025 and he along with other students have already deposited


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fees, in terms of the prospectus, and half of the course has also been completed, it would be appropriate to dispose of this petition with a direction to the State Government to refer the matter to the appropriate committee constituted for determination of fee, which shall afford an opportunity to the colleges and the students representatives and redetermine the fee for the course in view of the guidelines laid down by the Supreme Court, in various judgments referred to above. Such fresh determination of fee would be made by the concerned committee within a period of two months.

8. The order dated 21.08.2024, impugned in this petition, shall abide by the outcome of the fresh order to be passed by the committee in terms of this order.

9. The petitioner or any other student will not be entitled to claim any refund at this stage, and their rights will remain subject to the fresh orders passed by the committee. In the event any reduction in fee is allowed by the Committee then the Government shall take appropriate consequential decision for refund in accordance with law.

10. Pending Misc. application(s), if any, stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

October 30, 2025
Poonam Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No