

**W.P.Nos.4582 and 11701 of 2018****PUSHPA SATHYANARAYANA, J.**

The dispute is regarding the fees chargeable by the Self-financed Institutions/deemed to be Universities in the Union Territory of Puducherry in the Medical and Dental Courses.

2. On 16.06.2017 in W.P.No.14232 of 2017, the Hon'ble First Bench of this Court had passed the following order:-

***"22. We, therefore, deem it appropriate to pass an interim order directing the deemed Universities to admit the students provisionally selected and successful in the admission tests/counselling to the vacant seats in order of their merit, subject to the condition that the students shall each deposit Rs.10.00 lakhs at the time of admission towards the annual fee for the first year with CENTAC (third respondent) and subject to the further condition that in the event the fees determined by the Fee Committee that may be constituted by the University Grants Commission (seventh respondent) and Ministry of Human Resource Development (sixth respondent) to study the fee structure of the deemed Universities is higher, they shall pay the differential amount. Needless to mention that those students who have already taken admission by depositing the full fees will, if necessary, be entitled to refund/adjustment of the difference between the fees that might be determined by the Committee and the amount paid by them. Such admission shall be effected within 5 P.M. On 19<sup>th</sup> June 2017 and the students will be allowed to provisionally attend their classes from 20<sup>th</sup> June 2017.***

***Needless to mention that the admission of students pursuant to this interim order shall abide by the result of the writ petition."***

As per the direction given by the Hon'ble Division Bench, the Fee Committee was also constituted by the University Grants Commission (UGC) on 21.06.2018 comprising of 11 Members. The said Committee also comprised of two members from the Department of Health & Family Welfare as nominees.

3. The Hon'ble Supreme Court, on 16.04.2018, had passed an order specifically holding that it is open to submit the report of the Committee before the High Court. With respect to fee structure, the fees which is realised as per impugned order, will hold good till such time the High Court decides the matter.

4. The Division Bench of this Court in the aforesaid order dated 16.06.2017, had specifically stated that the Committee can go ahead to determine the fee structure for the deemed Universities and fix the same and the Hon'ble Supreme Court has also reiterated that.

5. Be that as it may, ***in Education Promotion Society for India & Ors. Vs. Union of India & Anr.***, I.A.Nos.157394 and 157390 of

2018 in W.P(C). Nos.973 and 1004 of 2018 respectively, wherein, the same point is in dispute came up for consideration. The said I.As. were filed seeking a direction to allow the applicants to continue their PG Course without paying any further payments towards annual fee for the entire Course. Pending Writ Petitions, in those I.As., the Hon'ble Supreme Court, on 15.04.2019, has passed the following order:-

***“List the matters for final disposal on 09.07.2019.***

***In the meantime, we consider it appropriate to direct the Committee to determine the fee structure for the current year. The recommendations of the Committee shall, however, not be implemented till further orders of this Court.***

***The colleges shall provide necessary details to the Committee.”***

6. In the light of the above orders, both this Court as well as the Hon'ble Supreme Court had already permitted the Committee to proceed with the matter fixing the fees for the academic year 2018-2019 and also 2019-2020 chargeable by the Self-financed Institutions/ deemed to be Universities in Medical and Dental Courses pursuant to the decision of the Hon'ble Supreme Court in S.L.P.(C) No. 19315 of 2017.

7. In the light of the above, the Committee that has been constituted should proceed with the fixing of fee chargeable, which would set at nought the dispute between the parties. If the Committee initiates process and fixes fees as per the directions to regulate the fees chargeable by the Self-finance Institutions/deemed to be Universities upon a comprehensive study considering all factors, it would resolve the dispute.

8. The anxiety of the Colleges/Institutions is that the students would pass out without even paying the fees when the College would have spent considerable amount on each student. The objection of the students is that the fee chargeable by the Universities is exorbitant and prohibitive. It is therefore necessary that the Committee constituted in this regard shall set the ball in motion forthwith and fix the fees payable after giving appropriate opportunity of hearing to the Institutions at the earliest.

9. In the meantime, as agreed by the learned counsel appearing for the petitioners, the petitioners shall tentatively, pay the amount already fixed by the Puducherry Fee Committee for Self-financed Institutions vide G.O.Ms.No.8, Chief Secretariat (Health),

dated 22.03.2018, on or before 31.05.2019. The said G.O. fixed the Management Quota fees for P.G.Medical Degree (Clinical) at Rs.20,34,000/- for the year 2018-2019. The petitioners are directed to pay the said amount for the year 2018-2019 if not already paid de hors the fact that they have already paid fees in the previous year. For the year 2019-2020, the fee shall be payable after a decision is taken by the Fee Committee.

10. The above said directions of payment is only tentative and the same is subject to the fixing of the fees by the Fee Committee and also the outcome of the Writ Petitions. The report of the Fee Committee shall be filed within a period of six (6) weeks from today. This direction regarding payment of fees as indicated above is confined to the petitioners alone. Considering the urgency, the Fee Fixation Committee constituted by the UGC is directed to comply with the order without further delay. सत्यमेव जयते

Post these matters after six weeks.

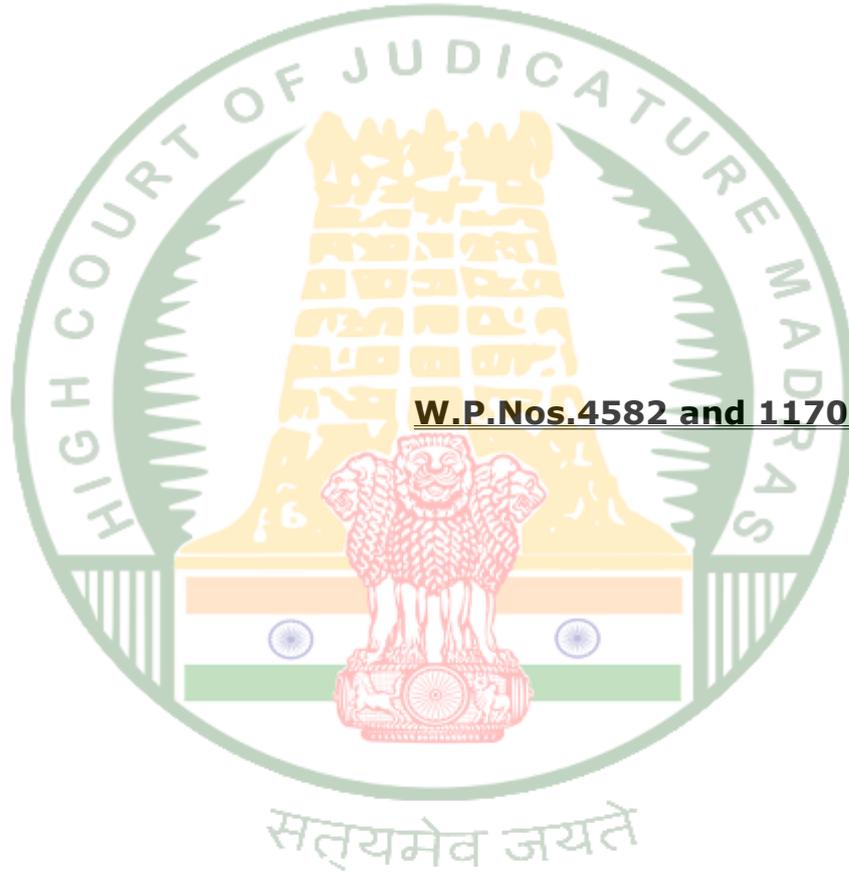
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