

APHC010515362024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3310]

WEDNESDAY ,THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 26862/2024

Between:

N Suchitra and Others

...PETITIONER(S)

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.C SUBODH

Counsel for the Respondent(S):

1.GP FOR MEDICAL HEALTH FW

2.Tata Venkata Sridevi,Standing Counsel For Dr.NTR University of Health Sciences

The Court made the following Order:

I.A.No.1 of 2024

The case of the petitioners is that they are all joined in 5th respondent medical college in MBBS course and now they are pursuing 9th Semester i.e. last Semester. The Government issued G.O.Ms.No.146, dated 05.11.2020 and as per clause (d) of which, the total fee shall be collected for a period of 4 ½ years only as per regulations of MCI/NMC and annual fee shall be collected

in the beginning of each year and same clause is applicable to the students, who are admitted during the block period of 2020-21 to 2022-23 till they complete the course. As per clause (f) of the said G.O. also, the institution shall not charge either directly or indirectly or any other amount over and above the fee fixed in Annexures. As per the said G.O., the fee fixed for 5th respondent college for B-Category seat is at Rs.12 lakhs per annum. The petitioners have paid Rs.12 lakhs per annum up to they completed four years of MBBS course and now they have to pay left over fee for six months only. While so, the 5th respondent college issued proceedings in Ref.PRI/MBBS-AY25/971/2024-25, dated 19.09.2024 stating that the petitioners have to pay tuition fee of Rs.12 lakhs. Thereafter, the petitioners along with their parents approached the 5th respondent college and brought to their notice about G.O.Ms.No.146, dated 05.11.2020 and the proceedings of the 2nd respondent dated 20.10.2020 and requested them to collect only half year fee of Rs.6 lakhs for the final year. But the 5th respondent refused to take half year fee and insisted them to pay Rs.12 lakhs. Thereupon, the petitioners along with their parents made representations to the 2nd respondent on 25.10.2024 and 28.10.2024 respectively and accordingly, the 2nd respondent vide letter No.779/APHERMC/GRIEVANCES/2024, dated 29.10.2024, strictly directed the 5th respondent college to collect only 4 ½ years fee for MBBS course i.e. Rs.6 lakhs only during the 5th academic year and sought the compliance report from the 5th respondent. But the 5th respondent failed to comply the same. Hence the petitioners filed the present writ petition.

Heard learned Assistant Government Pleader for Medical, Health and Family Welfare, appearing for the respondents 1 to 3 and Mrs.T.V.Sridevi, learned Standing Counsel, appearing for the 4th respondent.

Perused the material available on record.

Admittedly, the Government has issued G.O.Ms.No.146, Health Medical and Family Welfare (C1) Department, dated 05.11.2020. As per clause 5 of the said G.O., the fee structure notified by the Government under Section 7 of Act 5 of 1983 for the block period 2020-21 to 2022-23 is subject to the following conditions, mainly (d) and (e) conditions:

(d) The total fee shall be collected for a period of 4 ½ years (four and half) only as per Regulations of MCI/NMC and annual fee shall be collected in the beginning of each year.

(e) The same fee shall continue for the students admitted during the block period of 2020-21 to 2022-23 till they complete the course.

Thereafter, on 29.10.2024 also, the 2nd respondent has issued Lr.No.779/APHERMC/GRIEVANCES/2024, wherein the 2nd respondent has called for compliance report from the 5th respondent, which reads as under:

“In this context, the Commission is hereby direct you to collect only 4 ½ years fee for M.B.B.S. course i.e. Rs.6 lakhs only during 5th academic year and send the compliance report, failing which the Commission will take appropriate action by imposing penalty apart from recommending the appropriate Regulatory Authority and the University concerned to withdraw/reject the affiliation or recognition or approvals of your institution.”

Further also, the 5th respondent has issued impugned notice vide Ref.No.PRI/MBBS-AY24/1255/2024-25, dated 21.11.2024 and demanded the petitioners to pay the fee on or before 05.12.2024, otherwise their names will be removed from the nominal rolls and consequently they will not be eligible to avail Teaching / Training / Clinical Postings / Examinations under any circumstances.

On hearing, learned counsel for the petitioner submitted that as per the re-schedule structure issued by the 2nd respondent, the petitioners have paid Rs.6 lakhs and in addition to that, the 5th respondent demanded another Rs.6 lakhs which is contrary to the above said G.O.

On the earlier occasion, this Court has directed the petitioners to send notice to the 5th respondent. Accordingly, the petitioners have sent notice to the 5th respondent and the same was served on the 5th respondent on 29.11.2024. So, the matter is listed today. But, none appeared for the 5th respondent.

So, in view of the above facts and circumstances, the 5th respondent is directed to consider the case of the petitioners in terms of G.O.Ms.No.146, dated 05.11.2020 and pursuant to the letter issued by the 2nd respondent vide Lr.No.779/APHERMC/GRIEVANCES/2024, dated 29.10.2024 and permit them for appearing the examinations by issuing hall tickets to them.

DR.KMR,J

W.P.No.26862 of 2024

Post the matter on 16.12.2024.

DR.KMR,J

Note: Issue CC by 06.12.2024

(B/o)

ARR