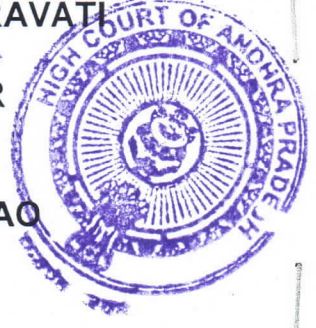


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO



IA No. 1 OF 2024

IN

WP NO: 26862 OF 2024

Between:

1) N. Suchitra
D/o. N.Viswanath,
Aged about 23 years,
Occ: Final year MBBS Student,
R/o. Flat No.10, Annapurna Apartments,
Lawsonsbay Colony,
Visakhapatnam.

2) V. Naga Prasanna
D/o.V. Panakala Rayudu,
Aged about 23 years,
R/o.D.No 7-260/4, 100 feet Road,
Kanuru, Krishna District - 520007

3) Ansika Ojoswinee
D/o Sahadev Sahoo,
Aged about 23 years,
R/o. Head Post Office lane, Jeypore,
District - Koraput , Odisha- 764001

4) Farheen Naaz
D/o. S.K.Mahammad Ali,
Aged about 22 years,
R/o.Quarter No. D- 68, Nalco Township,
Damanjodi, Dist.- Koraput,
Odisha, PIN- 763008.

5) Vijayalaxmi
D/o.K.Bakkappa,
Aged about 23 years,
R/o.H/no.15-3-379/1 Ram nagar,
Bank Colony, Kumbharwada road,
Bidar, Karnataka - 585403

6) Sakshi Ravindra Gole
D/o.Ravindra Gole
Aged about 22 years,
R/o.Plot no.2, Kakde layout,
Swawlambi Nagar,
In front of Rachana Megha Sparsh Apartment,
Nagpur, Maharashtra.

7) Arigela Pavan Sai
S/o. A Sudhir Kumar,
Aged about 23 years,
R/o.Flat.219, Marvel Rock Apartments,
Sanghivalasa, Ameya World School Road
Visakhapatnam-531163.

8) Teerdhesh Katamneni
S/o.K.Sivarama Krishna,
Aged about 23 years,
R/o.Flat no:202,
Kesapragada towers,
Janakiram street, Srinagar,
Visakhapatnam -530016.

9) Duba Khushi Naidu
D/o Dharma Rao,
Aged about 23 years,
R/o. Flat no- 505,
Kanakam Naidu Estates,
Krishna Mandir Road, HB colony
Visakhapatnam -530022.

10) Sornapudi Sai Prathyusha
D/o. S. Parvathisam,
Aged about 23 years,
R/o. Door No. 9-235/1,
Narasimha Nagar Road No.3,
Gopalapatnam, Visakhapatnam
Pincode - 530027

11) Ashok vardhan Geddada
S/o.Suryaprakasa Rao,
Aged about 23 years,
R/o.D.no - 2-93, Near Market,
Varahapatnam, Kaikaluru,
Krishna District - 521333

12) V. Diteshna
D/o V.Sudhakar,
Aged about 23 years,
R/o. Flat No:101,
Puligedda Towers,
Maharanipeta,
Visakhapatnam

13) K. Siva Rama Krishna Prasad
S/o.K.Gangadhar Rao
Aged about 23 years,
R/o.D.No:4 -118, Main Road,
Brahmana Gudem
West Godavari District - 534301

14) Missula Guna Samhita
D/o. M.V. Surya Rao,
Aged about 23 years,
R/o. Flat no.5, Radha Residency,
Sampath Nagar,
Srinivasa Nagar, Sai Priya Gardens,
Madhurawada – 530041.

15) Soumith Telu
S/o. Sanyasi Rao Telu
Aged about 23 years,
R/o.Flat 412, YTY Elite Apartments,
R Tallavalasa, Vishakapatnam – 531163.

16) V.V.S. Haricharan
S/o V. Radhakrishna
Aged about 23 years,
R/o.D.No.67-11-1/2, Nalla Vari Street,
LB Nagar, Kakinada,
East Godavari -533003.

17) Kode Soma Sekhar
S/o.Kode Ravindra Babu
Aged about 23 years,
R/o.D.No 4-72, lingamguntla (v),
Kavuru, Chilakaluripet,
Palnadu District - 522611

18) Dakarapu Joanna
D/o.D.Balaji Rao,
Aged about 23 years,

R/o. Siddi Residency,
Dr.No:58-14-48/3,
Flat 401, Marripalem Vuda Layout
Visakhapatnam-530009.

19. P. Lakshmi Greeshma
D/o P.Mallikarjuna Rao,
Aged about 23 years,
R/o. Flat No.502, Bypaneni towers,
Vinayak Nagar, Vuda colony,
Gajuwaka, Visakhapatnam.

20. Chintapalli Satya Sumith
S/o. Srinivasa Rao,
Aged about 23 years,
R/o.Flat no 101 - Heritage Apartments,
Ramalayam Street, Visalakshi Nagar,
Visakhapatnam - 530043.

21. Jonnalagadda Saipraveena
D/o Jonnalagadda Siva Prasad,
Aged about 23 years,
D.No 4-87 Karempudi Mandal,
Palanadu District,
Pin code - 522614.

22. K.Y.S.S. Sampath
S/o K. Appala Naidu
R/o. Door.No.10-35/SF-3B,
Flat No.3B, Chaitra Residency,
Madhurawada,
Visakhapatnam - 530041

23. Aakanksha Lakshmi Boorada,
D/o Yagna Narayana Boorada ;
Aged about 23 years,
R/o. D.no.9/67/70, Suryanilaya,
Booradavari Street,
Kothapeta, Vijayawada

24. Srujana Dommaraju
D/o Subbarayudu,
Aged about 23 years,
R/o. Flat no.202,
Ayaan Enclave, 2nd street,
B.V.Nagar, Nellore - 524004.

25. K.Sai Dhakshitha Reddy
D/o.K.V.Krishna Reddy,
Aged about 23 years,
R/o. 2D Amrutha estates,
Lecturers' colony,
Magunta Layout,
Nellore – 524003.

26. Duppala Nikhita,
D/o. D.Dalayya Babu,
Aged about 23 years,
R/o. D.No.3-69,
Opposite Sivanandaguru Aashramam,
Bank colony, Mahalakshmi puram,
Bheemunipatnam Mandal,
Visakhapatnam District – 531163

...Petitioners

AND

1) State of Andhra Pradesh,
Rep. by its Principal Secretary
Department of Health Medical & Family Welfare,
Secretariat buildings, Secretariat,
Velagapudi, Guntur District, Andhra Pradesh

2) Andhra Pradesh Higher Education Regulatory and
Monitoring commission,
Rep. by its Member Secretary & CEO,
Tadepalli, Guntur District.

3) The Director of Medical Education,
Andhra Pradesh, Vijayawada.

4) The Registrar,
Dr. N.T.R University of Health Sciences,
Vijayawada.

5) NRI institute of Medical Sciences,
Sangivalasa, Visakhapatnam,
Rep. by its Principal.

...Respondents

Counsel for the Petitioners :SRI C SUBODH

Counsel for the Respondent Nos.1 to 3:GP FOR MEDICAL HEALTH FW

**Counsel for the Respondent No.4 :M/s T.V.SRIDEVI, STANDING
COUNSEL**

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 5th respondent to issue hall tickets to the petitioners for final year MBBS course exams scheduled to be conducted on 11.12.2024 by receiving only Rs.6 lakhs as tuition fee for final year MBBS course without insisting to pay Rs.12 lakhs, Pending disposal of WP No. 26862 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

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.

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

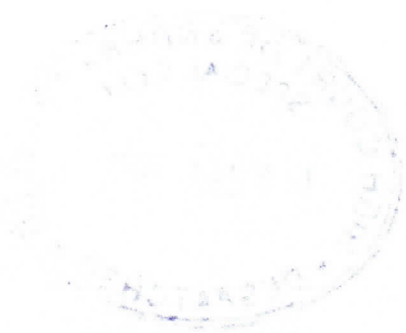
For SECTION OFFICER

To,

1. The Principal Secretary, Department of Health Medical and Family Welfare, State of Andhra Pradesh, Secretariat buildings. Secretariat, Velagapudi, Guntur District, Andhra Pradesh(**By Special Messenger**)
2. The Member Secretary and CEO, Andhra Pradesh Higher Education Regulatory and Monitoring Commission., Tadepalli, Guntur District.
3. The Director of Medical Education, Andhra Pradesh, Vijayawada.
4. The Registrar, Dr. N.T.R University of Health Sciences Vijayawada.
5. The Principal, NRI institute of Medical Sciences, Sangivalasa, Visakhapatnam (**Addressees 2 to 5 by RPAD**)

6. One CC to SRI. C SUBODH, Advocate [OPUC]
7. Two CCs to GP FOR MEDICAL HEALTH FW, High Court of Andhra Pradesh. [OUT]
8. One CC to M/s T.V.SRIDEVI, Standing Counsel [OPUC]
9. **One spare copy**

PSR



HIGH COURT

Dr.KMR,J

DATED:04/12/2024

NOTE: POST THE MATTER ON 16.12.2024.

ORDER

IA No. 1 OF 2024
IN
WP NO: 26862 OF 2024

INTERIM DIRECTION

