

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.14208 of 2025****Decided on: 27.11.2025**

Awasthi Educational Society

... Petitioner

Versus

State of Himachal Pradesh & others

... Respondents

Coram**Hon'ble Mr. Justice Ajay Mohan Goel, Judge.****Whether approved for reporting?¹**

For the petitioner : Mr. Rajat Awasthi, Advocate.

For the respondents : Mr. Rajpal Thakur, Additional
Advocate General, for respondents
No.1 and 2.
Mr. Sandeep K. Pandey, Advocate, for
respondent No.3.**Ajay Mohan Goel, Judge** (Oral)

By way of this petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

"I. Issue a writ of certiorari thereby quashing and setting aside the impugned order dated 23.08.2025 (Annexure P-4) qua the petitioner, passed by Respondent Nos.1 & 2, whereby the proposal of the petitioner for enhancement of tuition fee was arbitrarily restricted to 2,75,000/- per annum; or/and

II. Issue a writ of mandamus directing the Respondents to re-consider and re-determine the tuition fee of the petitioner's college for the academic session 2025-26, strictly in accordance with law, the recommendations of the Sub-Committee, and the guidelines of the NCISM

¹ Whether reporters of the local papers may be allowed to see the judgment?



dated 16.09.2022; or/and

III. Issue a writ of mandamus directing the Respondents to bring parity in the tuition fee structure of the petitioner's college with other similarly situated private BAMS colleges in the State of Himachal Pradesh."

2. The petitioner is aggrieved by the fact that the tuition fee, which the petitioner-Institution can charge from a student admitted in B.A.(M.S.) Course, has been fixed at Rs.2,50,000/- by the Fee Committee, whereas the Sub-Committee had recommended a fee of Rs.3,00,000/- for the said course. As per the petition, in the previous years, the fee fixed with regard to the petitioner-Institution was in parity with other Institutions, but for the current academic session, it has been reduced on the ground that the petitioner is a new Institution, without substantiating as to how the fee fixation of Rs.2,75,000/- against the recommendation of Rs.2,00,000/- per child was justified.

3. When this case was listed on 17.11.2025, this Court passed the following order:-

"Heard for some time. List on 21.11.2025, on which date, State shall produce the record of the deliberations, which took place with regard to the arrival of the tuition fee of Rs. 2.75 Lac as stands determined as qualification. In the meanwhile, learned Deputy Advocate General shall also to ensure that reply filed by the State is on record."



Thereafter, on 21.11.2025, the following order was passed:-

“Record in terms of the previous order has been produced and perusal of the same demonstrates that though the representative of the petitioner was present when the meeting of the Prospectus, Admission and Fee Committee was held on 14.08.2025, however, the petitioner has not consented to the enhancement of the fee from Rs.2,50,000/- to Rs. 2,75,000/-. Further the perusal of the proceedings of the meeting demonstrates that though the Sub-Committee had proposed the enhancement of fee from 2,50,000/- to Rs.3,00,000/- per annum for both State and All India quota in B.A (MS) course in respect of the petitioner institution, yet the Prospectus, Admission and Fee Committee in its meeting dated 14.08.2025 recommended the enhancement from Rs.2,50,000/- to Rs.2,75,000/- without even a word worth explanation as to why it was not concurring with the recommendation of the Sub-Committee. Learned Deputy Advocate General submits that he may be granted some time to have instructions in this backdrop.

List on 27.11.2025, as prayed for. Record be again produced on the next date of hearing.”

4. Today, learned Additional Advocate General has made available instructions received from Additional Director (Ayush), to the Government of Himachal Pradesh, dated 26.11.2025, which are taken on record and the same read as under:-

“Subject:- CWP No.14208/2025- titled as Awasthi



Educational Society Vs. State of H.P.&Others

Sir,

This is with reference to the Hon'ble High Court order dated 21-11-2025 vide which the Hon'ble Court has directed, the operative part of which is as under:-

Record in terms of the previous order has been produced and perusal of the same demonstrates that though the representative of the petitioner was present when the meeting of the Prospectus, Admission and Fee Committee was held on 14.08.2025, however, the petitioner has not consented to the enhancement of the fee from Rs.2,50,000/- to Rs. 2,75,000/-. Further the perusal of the proceedings of the meeting demonstrates that though the Sub-Committee had proposed the enhancement of fee from 2,50,000/- to Rs.3,00,000/- per annum for both State and All India quota in B.A (MS) course in respect of the petitioner institution, yet the Prospectus, Admission and Fee Committee in its meeting dated 14.08.2025 recommended the enhancement from Rs.2.50,000/- to Rs.2.75.000/- without even a word worth explanation as to why it was not concurring with the recommendation of the Sub-Committee.

Learned Deputy Advocate General submits that he may be granted some time to have instructions in this backdrop.

List on 27.11.2025, as prayed for, Record be again produced on the next date of hearing.

The matter regarding the above directions of the Hon'ble Court was referred to Secretary (Ayush) vide letter dated



22-11-2025. The Secretary (Ayush) vide letter dated 26-11-2025 has directed the office of the Director Ayush to impart instructions in the matter to the office of Ld. Advocate General.

In this context it is submitted that as per the guidelines of National Commission of Indian System of Medicine issued vide letter dated 16-9-2022 the point No.3 Clause B stipulates that:-

"B. Newly establishment institutions: yearly fixation till 5 years from the year of starting of the institution. Later on as per established institution"

Since the petitioner's institution was established in the year 2022-2023, the fee has been fixed as per the guidelines mentioned above.

It is further submitted that during the meeting of prospectus, reservation and fee committee, the projected receipts and estimated expenditure statements prepared as per NCISM norms with an assumed annual inflation of 5% on operational costs for Financial Years 2025-2026, 2026-2027 and 2027-2028, were also kept in view and according to which receipts amounting to 2.5 lacs per student at 70% occupancy the institution is expected to start generating profit from the 3rd year onwards. In spite of this the tuition fee was further enhanced to Rs.2.75 lacs. However enhancing to anything more than this would also cause serious prejudice to the welfare of students.

You are, therefore, requested to kindly apprise the Hon'ble Court accordingly on 27-11-2025."



5. Having heard learned Counsel for the petitioner as also learned Additional Advocate General and having gone through the instructions which have been handed over today, this Court is of the considered view that unfortunately the Minutes of the Fee Committee are absolutely silent and cryptic as to why they do not concur with the recommendations of the Sub-Committee and now what is being propounded with the instructions, cannot substitute or make good the act of the Fee Committee.

6. Accordingly, in these circumstances, this petition is disposed of with the direction that let the Fee Committee review its decision with regard to fixation of the fee of the petitioner-Institution qua the B.A.(M.S.). Course, by taking into consideration the recommendations of the Sub-Committee and a decision be taken in the matter after hearing the petitioner. Needful be done within a period of three weeks from today. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

November 27, 2025
(Rishi)