

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**WP(C) No. 827 of 2025 with
MC(WP(C) No. 575 of 2025**

The Shija Academy of Health Sciences

.....*Petitioner/s*

- Versus -

The National Medical Commission & 3 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

16.10.2025

[1] Heard Mr. HS. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel for the petitioner.

[2] Issue notice.

[3] Mr. BR. Sharma, learned CGC accepts notice on behalf of respondent No. 1 and Mr. Th. Sukumar, learned G.A. on behalf of respondent Nos. 2, 3 & 4. Hence, service is complete on all the respondents.

[4] Mr. HS. Paonam, learned senior counsel for the petitioner, submits that the petitioner is the only Private Medical College in the State of Manipur and is conducting MBBS course and is going to open PG Course in few subjects.

[5] The petitioner is aggrieved by the O.M. dated 03.02.2022 issued by National Medical Commission stipulating 50% fees in the Private Medical College at par with the fee fixed by the State Government and more particularly, by para 5 & 6 of the O.M. dated 03.02.2022 which renders no scope for examination in terms of the guideline contain in para 3 of the O.M.

[6] It is pointed out that in Manipur, the State Government have fixed different and divergent fees for the State Government seats in the petitioner's college ranging from Rs. 45,700/- to Rs. 8,00,000/- without any incentive to overwrite the cost in the expenses incurred by the Private Medical College as sum of Rs. 45,700/- will not be sufficient to run Private Medical College.

[7] Learned senior counsel for the petitioner has also pointed out that the petitioner has filed another writ petition being WP(C) No. 545 of 2025 challenging the fixation of fees from the State seat at Rs. 45,700/- in the petitioner's college and vide order dated 28.07.2025 passed by this Court in WP(C) No. 545 of 2025, the petitioner's college was permitted to charge a sum of Rs. 5,00,000/- per student for the State seats for a calendar year subject to the condition that the petitioner will refund excess, if any, as finally settled.

[8] In the circumstances, the petitioner's college is charging a sum of Rs. 5,00,000/- as permitted by this Court in terms of the order dated 28.07.2025 with the undertaking that any excess fees will be refunded to the students.

[9] Mr. HS. Paonam, learned senior counsel for the petitioner, has pointed out that for the first year (i.e. in the year 2021-2022), the Government fixed a sum of Rs. 8,00,000/- per year for the State seats in the petitioner's college and the sum of Rs. 8,00,000/- was not the fee chargeable in the Government College. However, next year, Government reviewed the fee to Rs. 45,700/- per year and the same has been challenged before this Court in various writ petitions.

[10] At this stage, Mr. BR. Sharma, learned CGC for NMC, submits that many petitions are pending before the Hon'ble Supreme Court challenging the same impugned O.M. dated 03.02.2025 prescribing guideline for fixing of 50% of seat in Private Colleges and deemed University. He has produced a copy of the order dated 01.12.2022 passed by the Hon'ble Supreme Court in SLP(C) No. 21002-21009 of 2022 and other connected matters and submits that in the circumstances, it may not be appropriate for this Court to consider

the correctness and legality of the O.M. dated 03.02.2022, when the same is pending before the Hon'ble Supreme Court.

[11] Mr. Th. Sukumar, learned G.A., submits that since the matter is pending before the Hon'ble Supreme Court, this Court may not decide the issue on the merit of the O.M. dated 03.02.2022.

[12] This Court has considered the materials on record. Prima facie fixing a sum of Rs. 45,700/- for the Government seat in the Private Medical College without any incentive, may be too low considering the amount of expenses required in imparting medical course.

[13] It may be noted that this Court, vide order dated 28.07.2025 in WP(C) No. 545 of 2025 filed by the present petitioner, makes an interim arrangement that the petitioner's private college is permitted to charge an interim fee of Rs. 5,00,000/- per year for MBBS Course subject to the condition that the petitioner shall refund the excess, if any, against the fees finally fixed and this arrangement is confined to 50% seat earmarked by the State Government against State quota.

[14] This Court observes that O.M. will not come in the way of the petitioner in charging a sum of Rs. 5,00,000/- as interim fee from the student of MBBS during the pendency of WP(C) No. 545 of 2025. The interim order dated 28.07.2025 shall not be affected by the pendency of the present writ petition challenging the O.M. dated 03.02.2025.

[15] List this case on 15.12.2025.

JUDGE

Kh. Joshua Maring