

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5880 OF 2011

Private Dental Self Financed Colleges Association	.. Appellant(s)	
---	-----------------	--

Versus

State of Punjab & Ors.	.. Respondent(s)	
------------------------	------------------	--

O R D E R

1. This appeal is filed against the judgment and order passed by the High Court of Judicature of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 9447 of 2007, dated 29.03.2011. By the impugned judgment and order, the High Court has dismissed the appeal filed by the appellant herein- Private Dental Self Financed Colleges Association.

2. The facts in brief are as follows:- The appellant is a registered association of unaided self-financed dental institutions in the State of Punjab. The respondent-herein issued a notification declaring the entrance test for admission to MBBS course for the academic years 2003-2004 to be conducted by the Baba Farid University of Health Services. The University accordingly issued prospectus mentioning the fees for the paid seats at Rupees One Lakh and Ten Thousand and a fee of Rupees Thirteen Thousand per student for free seats.

3. The State of Punjab passed the Punjab Private Health Sciences Educational Institutions (Regulation of admission, fixation of fee and making of reservation) Act, 2006 (for short, "the Act"). The respondent, thereafter, issued a notification fixing the provisional fee for the students admitted during the years 2004-2005 and 2005-2006 and for the new students admitted in the session 2006-2007 as Rupees One Lakh for MBBS, Rupees Fifty Five Thousand for BDS and Rupees Thirty Five Thousand for BHMS course. The respondent thereafter amended the Act and inserted Section 7 in the Act. After several other notifications issued by the respondent, the respondent finally on 03.08.2007, issued notification in respect of admissions, reservation, and fixation of fees to various courses including BDS course and the fee structure was fixed in the management quota as Rupees Three Lakhs for the MBBS course, Rupees Two Lakh Thirty Thousand for BDS and Rupees One Lakh Ten Thousand for BHMS course and for the Post Graduate courses at Rupees Two Lakh Ninety Nine Thousand and for clinical MD/MS courses as Rupees Two Lakh One Thousand Two Hundred and Fifty for basic MD/MS courses, Rupees Two Lakh Thirty Thousand for PG diploma and Rupees Two Lakh and Sixty Thousand for clinical MDS courses respectively, while maintaining the fees for the Government quotas.

4. Being aggrieved by the admission procedure and fixation of fee structure by the respondent in the management quota, the appellant filed a writ petition before the High Court. The High Court, while dismissing the petition has come to the conclusion that fixing of the fee structure,

admission and reservation by the respondents under the Act did not violate the fundamental rights guaranteed under Article 19(1)(g) of the Constitution of India.

5. We have carefully gone through the judgment and order passed by the High Court. We do not see any infirmity in the impugned judgment and order.

6. Shri Dushyant Dave, learned senior counsel appearing for the Appellant-Association has brought to our notice the fee structure that was fixed by the State Government under Section 7 of the Act and therefore submits that the said fee structure requires to be modified/enhanced.

7. In our view, the submission made by the learned senior counsel appears to be reasonable. We also see from the reply affidavit filed by the State that the fee structure was fixed sometime in the year 2007. Five years have lapsed since then. Therefore, we are of the opinion that liberty should be reserved to the appellant to make an appropriate representation before the appropriate authority for increase of the fee structure.

8. Accordingly, we reserve liberty to the appellants to make an appropriate representation before the appropriate authority for the increase of the fee structure for the academic year, 2013-2014 and onwards. If and when such request is made, the authorities concerned shall consider the same in accordance with law keeping in view the provisions of Section 7 of the Act and the notifications issued thereto.

9. All the contentions of both the parties are kept open.

10. The Civil Appeal is disposed of accordingly.

Ordered accordingly.

.....J.
[H. L. DATTU]

.....J.
[M. Y. EQBAL]

NEW DELHI,
OCTOBER 23, 2013.

PVT. DENTAL SELF FINANCED COL. ASSO.

Appellant (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With application for directions, permission to file additional documents and prayer for interim relief)

WITH

Civil Appeal NO. 7046-7051 of 2011
(With prayer for interim relief)

Civil Appeal NO. 7052 of 2011
(With office report)

Civil Appeal NO. 7921 of 2011
(With office report)

Civil Appeal NO. 9532-9541 of 2011
(With office report)

Date: 23/10/2013 These Appeals were called on for hearing today

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL

For Appellant(s) Mr. Dushyant A. Dave, Sr. Adv.
Ms. Bina Madhavan, Adv.
Ms. S. Udaya Kumar Sagar, Adv.
Ms. Praseen aE Joseph, Adv.
For M/S. Lawyer'S Knit & Co, Adv.

Mr. R.S. Suri, Sr. Adv.
Mr. Vaibhav Niti, Adv.
Ms. Swati Sharma, Adv.
Ms. Pallavi Tayal Chadha, Adv.
Mr. Chanchal Kumar Ganguli, Adv.

Mr. Atul Kumar, Adv.

For Respondent(s) Mr. G.K. Bansal, Adv.

Mr. Sanchar Anand, AAG
Mr. Kuldip Singh, Adv.

..2/-

2

Mr. Gaurav Sharma, Adv.

Mr. Ajay G. Majithia, Adv.
Mr. S. Ravi Kumar, Adv.
Mr. Shekhar Kumar, Adv.

Mr. V.K. Monga, Adv.

Mr. Ugra Shankar Prasad, Adv.

Mr. Atul Kumar, Adv.
Dr. S.K. Verma, Adv.

UPON hearing counsel the Court made the following
O R D E R

C.A. No. 5880 of 2011

The appeal is disposed of in terms of the signed order.

In Rest of the matters

List the matters on 24.10.2013.

	[Charanjeet Kaur]		[Vinod Kulvi]	
Court Master		Asstt. Registrar		

[Signed order is placed on the file]