
(2012) 11 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 16416 of 2012

Dr. Harsimranjit Singh Bhatia and Others	APPELLANT
Vs	
State of Punjab and Others	RESPONDENT

Date of Decision : 17-11-2012

Acts Referred:

Citation : (2013) 1 SCT 89

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Advocate : M.K. Singla in CWP No. 16416 of 2010 and Mr. Aman Bansal in CWP No. 22488 of 2011, for the Appellant; Sukhdip Singh Brar, Addl. A.G., Punjab, Ms. Neha Jain, Advocate for Mr. K.S. Dadwal, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Ranjit Singh, J.—This order will dispose of Civil Writ Petition Nos. 16416 of 2010 (Dr. Harsimranjit Singh Bhatia and others v. State of Punjab and others) and 22488 of 2011 (Dr. Rupinder Bansal v. State of Punjab and others). For disposal of these writ petitions, the facts are being taken from Civil Writ Petition No. 16416 of 2010. The petitioners took admission in B.D.S. Course after passing the entrance test conducted by the University and were registered with respondent No. 2- University. After doing their B.D.S. Course, the petitioners took admission in MDS Course under special management quota category, after appearing in the entrance examination i.e. P.G.E.T. 2010.

2. The petitioners are aggrieved against the action of the respondent-University wherein University has demanded the registration fee from the petitioners. The grievance is that once the petitioners are already registered with the University and no new registration number is going to be assigned to them, the question of demanding registration fee once again would be unfair and otherwise can not arise. The plea further is that once the candidate is registered with the University, then the registration number never changes and remains same for all intents and purposes. The petitioners have accordingly approached this Court

against this action of the University.

3. Notice of motion was issued and by way of an interim order, the petitioners were directed to be registered without insisting on the fees as was demanded.

4. Reply on behalf of University has been filed and it is pleaded that once a student completes his/her course from the University and gets admission in higher course, then continuation fee is charged from the candidate. Therefore, a new registration return is required to be sent by the College and all the procedures of registration are being done afresh. Clause 38(d) regarding fee for NRI left over seats for the session 2009 is then reproduced, which reads as under:-

Clause 38(d)-NRI unfilled seats under the Special Management Seats will be filled by Management itself, however, its fee shall not exceed double than the management quota fee.

5. In this background, it is stated that the Board of Management vide its 26th meeting held on 17.3.2009 resolved that Rs. 10,000/- as registration/continuous registration fees for Post Graduate Medical/Dental Courses, which were double than the registration fee/continuation fee of the Management Quota free. Reference is then made that Punjab Government vide clause 26 of its notification No. 5/12/2008-3 HB3/1180, dated 23.2.2010 for the session 2010 has fixed the fee for NRI left over seats in Post Graduate Medical/Dental Courses as under:-

The Board of Management vide its 29th meeting held on 4.5.2010 resolved that registration/continuous registration fee for Post Graduate Medical/Dental/Nurses Courses shall be as follow:-

6. The abovesaid justification is given by respondent Nos. 2 and 3.

7. The State Government was required to file an additional affidavit to say if the State Government has committed to charging of admission fee in the medical, as has been resolved by the respondent-University. The State has come on a specific affidavit to say that the Punjab Government had not notified the registration fee charged by Baba Farid University of Health Sciences, Faridkot. A sum of \$1500 or 15% fee is fixed by respondent Nos. 2 and 3. In the affidavit, it is further stated as under:-

That it is submitted that the Government of Punjab has not fixed any fee for the registration of the candidates with the Baba Farid University of Health Sciences Faridkot (respondent No. 2 and 3). The deponent had only fixed Tuition Fee for admission of the candidates under the provisions of the Punjab Private Health Sciences Educational Institutions (Regulation of Admissions, fixation of fee and making of reservation) Act, 2006 (Punjab Act No. 6 of 2006).

8. It is, thus, seen that registration fee has been charged by the respondent-University on its own by taking support from some decision taken by the Punjab Government. The Punjab Government has otherwise not authorised charging of

admission fee. Accordingly, the action of the respondent-University in charging this exorbitant admission fee is not fair and can not be sustained. Both the writ petitions are accordingly allowed. The decision of the University to charge this registration fee is hereby quashed.