



Ref. No. AU/MD MS/MDS/Admission-2021/01/2022/ 48

Date: 07-01-2022

To

The Vice Chancellor
Baba Farid University of Health Sciences
Sadiq Road, Faridkot-151203

Sub: Admission to Post Graduate Degree/Diploma courses, DNB Courses and Six month training in Ultrasonography in the Health Sciences Educational Institutions (Medical/Dental)/ Hospitals in the State of Punjab- Session 2021 onwards.

1. In reference to the Notification No. 5/8/2016-5HB-III/8169 dated 22.09.2021 issued by Govt. of Punjab Department of Medical Education & Research for Admission to MD MS for the Admission Session 2021.
2. In this connection, this is to inform you that a representation against the clause No. 17 of the above mentioned notification has been submitted to the Administrative Secretary, Department of Medical Education and Research, Govt. of Punjab, Chandigarh vide this office letter No. AU/MD MS/MDS/Admission-2021/09/1578 dated 06.10.2021. Copy of the same is attached herewith for your ready reference.
3. It is requested that the same may please be brought to the notice of the students. A copy of the representation may also be put up on the website of Baba Farid University of Health Sciences for the information of the candidates.
4. In the absence of any reply from the Administrative Secretary, Department of Medical Education and Research Govt. of Punjab Chandigarh, Adesh University will charge the fee from the student as per the prospectus of Adesh University. The fee may accordingly be collected from the students during the counseling.
5. A copy of the prospectus of Adesh University for admission to Post Graduate medical courses, Academic Session 2021-22 which has already been shared with the Principal Secretary, Department of Medical Education and Research vide this office letter No. AU/ MD MS/MDS/Admission-2021/06/982 dated 12.06.2021 is also available on the website of Adesh University <https://www.adeshuniversity.ac.in/Admissions.aspx>.

for Adesh University

Registrar

Copy to:

1. The Administrative Secretary, Department of Medical Education and Research Govt. of Punjab Chandigarh
2. Director, Research and Medical Education, Govt. of Punjab, Chandigarh.
3. The Registrar, Baba Farid University of Health Sciences , Faridkot Chairman Admission Committee



ADESH UNIVERSITY

(Established under Government of Punjab Act 6 of 2012)

NH-7, Barnala Road, Bathinda-151001 Punjab (India)

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Ref No: - AU/MD MS/MDS/Admission-2021/09/2021/1578

Date:- 06.10.2021

To,

The Administrative Secretary,
Department of Medical Education and Research,
Government of Punjab.

Sub: Admission to Post Graduate Degree/Diploma courses, DNB Courses and Six month training in Ultrasonography in the Health Sciences Educational Institutions (Medical/Dental)/ Hospitals in the State of Punjab- Session 2021 onwards.

Respected Sir,

1. That it is respectfully submitted that the applicant is moving the present representation against the clause 17 of the notification dated 22.09.2021 issued by the respondent department in relation to admission to Post Graduate Medical Courses in State of Punjab. Vide clause 17 of the notification dated 22.09.2021, it is respectfully submitted that vide clause 17, the State Government has fixed fee structure for all the private institution including the applicant institute, which is not permissible in view of law laid down by Hon'ble Supreme Court of India in case of PA Inamdar versus State of Maharashtra, **2005 (6) SCC 537** and Modern Dental College & Research Centre versus State of Madhya Pradesh, **2016 (7) SCC 353** and it has been further held by the Hon'ble Supreme Court of India in both the cases, the



- private institution has a right to fix its own fee structure and fixing of rigid fee structure would amount to interfering in the functioning of private unaided institutions, which is not permissible at all. Therefore the afore-said clause i.e. 17 be deleted from the notification qua the applicant and the applicant institution be authorized to fix their own fee structure.
2. That further, though the State has no power to fix fee structure for private unaided institution, however even otherwise also, fee fixed by State/department vide clause 17 of the notification is not sustainable in the eyes of law. Vide the afore-said clause, a rigid fee structure has been fixed for every institution without application of mind and the same has been fixed in mechanical manner and there is no rationale behind the same. It is pertinent to mention herein that the Hon'ble Punjab and Haryana High Court, while dealing with another writ petition filed by applicant institution in relation to PG admission has categorically observed that under the 2006 Act, the State has no power to fix the rigid fee structure for all the private institution and there is no rationale behind the fee fixed by the State Government for private unaided institution in relation to post Graduate Courses. The copy of the interim order dated 18.06.2020 and 15.07.2020 passed in CWP No. 7941 of 2020 is annexed herewith. Thus fee provided in the clause 17 has not been fixed rightly and the said clause may kindly be deleted from the notification and further the applicant institution be given power to fix their own fee structure in view of the law laid down



by the Hon'ble Supreme Court of India and the orders passed by Punjab and Haryana High Court. It is humbly submitted that the applicant institution is unable to meet their daily expenses at the present fee fixed by the department and will become financial unviable, if the fee of applicant institution is not fixed to at least Rs. 14,90,000 with annual increase of 10% as was being charged by the applicant in the last year 2020.

3. That, without admitting the power of State to fix fee structure of applicant institute, it is respectfully submitted that the present Fee structure, which the department wants to impose upon the private institution was fixed vide notification dated 07.05.2015 and thereafter the same has not been revised till date by the State Government. Therefore, the fee structure provided in the clause 17 of notification is totally unjustified and cannot be made applicable to the applicant institute. It is further submitted that in view of the law laid down by the Hon'ble Supreme Court of India in Islamic Academic Education versus State of Karnataka, 2003 (6) SCC 697, the fee fixed by State is only valid for three years and after three years the same is to be revised. But State of Punjab has not revised the fee since last 6 years. Therefore the present fee structure as provided in clause 17 of Notification is wholly unsustainable and liable to be reviewed immediately.

In view of the afore-said submissions, it is respectfully prayed that the clause 17 of notification may kindly be deleted qua the applicant



and the applicant Institution, being an unaided private institution, be given power to fix its own fee structure, in view of law laid down by Hon'ble Supreme Court of India.



for Adesh University


Registrar

Enclosures : As above

Copy to:

- The Director Research and Medical Education, SAS Nagar, Mohali