

The Appellate Authority
U.P. Private Professional Educational Institutions
(Regulation of Admission and Fixation of Fee)

Hon'ble Chairman Justice Shishir Kumar
Hon'ble Member Mr. Arjun Singh

Appeal No. 04 (M.E.) of 2017

Hind Institute of Medical Sciences, Barabanki

Versus

..... Appellant

State of U.P. and others

..... Respondent

Order

Heard Sri Mahesh Narain Singh, Learned Counsel appearing for appellant. There are five respondents. Respondent no. 4 is represented by Sri Sanjay Bhaseen, Advocate who have accepted notice. For respondent 1, 2, 3 and 5. Copies of appeal has been sent by speed post. A receipt to that effect has been annexed.

Sri Singh, Learned Counsel appearing for appellant submitted that interim fee fixed by the state government was Rs. 11.30 lac per student. But the fee committee has fixed the fee Rs. 8.50 lacs per student that too without affording an opportunity. A specific averment has been made in Para 43 of the appeal. Further submission has been made that by the letter dated 05.07.2017 the committee has directed that by 07.07.2017 the audited balance sheet for the year 2016-17 be filed. Though there was no requirement to file any balance sheet because it was not audited by the said date. By mistake as the time was short therefore unaudited balance sheet that too having certain mistakes was filed. The committee without taking into consideration the audited balance sheet filed earlier has fixed the fee on the basis of unaudited balance sheet. In the subsequent balance sheet by mistake the salary of para-medical staff was not shown. Subsequently an application for reconsideration was submitted but that has not been taken into consideration.

Sri Singh, Learned Counsel appearing for appellant further submitted that as there is a difference of about 3 lakh per student of



the fee which was fixed earlier, the appellant be permitted to realize the difference of fee from the students and they will keep the said amount in the separate account subject to decision of the appeal.

After hearing learned counsel appearing for appellant and after perusal of records it appears that apparent mistake has been committed by the committee in fixing the fee on the basis of unaudited balance sheet. To our knowledge Fee Fixation Committee has made a criteria only to take into consideration the audited balance sheet for the purposes of fixing the fee per student. Immediately when the appellant came to know they submitted the application as regards the mistake, in the subsequent balance sheet but the fee committee has not considered the same. As the salary of paramedical staff was not shown in the unaudited balance sheet therefore the fee has been reduced.

It has also been submitted that the admission has been started and difference is so much therefore it will be difficult for the institution to realize the difference of the fee from the students, in case this appeal is allowed.

In view of the aforesaid facts we feel that appellant is entitled for interim relief till the next date of hearing. The appellant will realize Rs. 11.30 Lakh (Eleven Lakh and thirty thousand) per student but it is made clear that difference of amount of fee fixed by the fee committee i.e. 2.80 Lakh will be deposited by the institution in a separate account and the institution will not be permitted to utilize the said amount till the decision of the present appeal. List this case on 30.08.2017. Appellant is permitted to serve the copies of appeal as well as copies of this order within a week to respondents and will file an affidavit of service on the date fixed.

26.07.2017

(Arjun Singh)
Member



(Justice Shishir Kumar)
Chairman

JS
27/07/17