

Proceedings of the meeting of the Educational Fee Fixation Committee held under the Chairmanship of Justice Akhilesh Chandra (Retd.) on 08.08.2023 at 11.00 A.M. in presence of the following Members:-

- (1) Dr. Santhosh Kumar Craleti, National Medical Commission
- (2) Dr. Md. Sharif, Principal, Patna Law College
- (3) Sri Ashish Rohatgi, C.A. (Member)

Agenda wise following resolutions are taken:-

Agenda No.1:-

Confirmation of the proceedings of the previous meeting dated 20.12.2022.

The proceedings of the previous meeting dated 20.12.2022 are confirmed.

Agenda No.2:-

Approval of expenditures till date.

Expenditures are approved till date.

Agenda No.03:-

To monitor the progress of respective agenda resolution taken in the previous meeting dated 20.12.2022:-

(i) 3 (a) & (b) relating to refund of extra amount realized from the students at the time of admission in previous session 2021-22 by R.D.J.M. Medical College & Hospital Turki, Muzaffarpur and Lord Buddha Koshi Medical College and Hospital, Saharsa.

This agenda has been taken along with agenda No.08 and after hearing the representatives of the colleges, it is unanimously resolved that the colleges are bound to implement the directions of the Committee and refund the extra amount realized by them from the students at the time of admission and pay due respect to the decisions of the apex court in a case Narayana Medical College vs. State of Andhra Pradesh and others reported in (2023) 2 Supreme Court Cases 636. The State Government be requested to take due steps. The

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reasons in detail respectively find mentioned in the orders related to agenda Nos. 06 and 07.

(ii) 3 (c) part-I relating to implementation of earlier resolutions taken by the Committee with respect to realization of the fee more than fixed/proposed by the colleges during previous year.

As assured by the Member Secretary the meeting appears held on 04.01.2023 under his Chairmanship and copy of the resolution taken had been sent to the Committee. It is discussed and resolved that the Government be requested to consider all the materials available without shifting the issue before the Committee. It is for the Government on finding any violation of the recommendations of the Committee and notification of the Government by the colleges concerned to take due step and issue necessary directions in view of the decision of the apex court in case of Narayana Medical College vs. State of Andhra Pradesh and others reported in (2023) 2 Supreme Court Cases 636. The O.S.D. shall send all the materials collected after resolution dated 04.01.2023 aforesaid immediately to the Government authorities for needful.

(iii) 3 (c) part-II relating to framing of rules.

Deferred.

(iv) 3 (d) relating to accommodation, etc. of the Committee in the light of the report submitted by CA-Member and accepted by the Committee.

Deferred

(v) Relating to delayed proposals submitted by the colleges after taking admission for the session 2022-23.

This agenda is taken for consideration with Agenda No.07.

Agenda No. 04

To consider the letter No. BMSICL/20045/05-2019/7535 dated 22.12.2022 of the BMSICL relating to the staff of the Committee.

Agenda No. 04

Discussed and the Committee approved the Agreement dated 30.12.2022 with Frontline (NCR) Business Solutions Pvt. Ltd. related with its staff.

Agenda No. 05

To consider the reports of the Working Group with respect to the proposals submitted by the colleges, namely, (i) R.D.J.M. Medical College & Hospital Turki, Muzaffarpur (ii) Lord Buddha Koshi Medical College & Hospital, Saharsa (iii) Shree Narayan Medical Institute & Hospital Mahabir Nagar, Bherdhari, Sharsa (iv) Madhubani Medical College, Madhubani and (v) Netaji Subhas Medical College & Hospital, Bihta, Patna and for fixation of the fee for the session 2022-23.

Discussed.

Agenda No. 06

To consider the applications dated 28.06.2022 and 17.12.2022 of RDJM College, and Hospital, Turki, Muzaffarpur respectively received on 01.07.2022 and 30.12.2022 seeking revision of the fee fixed by the Committee for the session 2021-22 and pass necessary order after hearing the authorized representatives of the colleges at 11.30 A.M.

After hearing the representatives of the college finding no substance in the application dated 01.07.2022/17.12.2022 seeking review of the order passed on 22.06.2022 by the Committee stands disposed of. However, there is no order as to costs. The detailed reason orders containing 13 (Thirteen) Pages be kept in file after communication to all concerned under the signatures of Dr. Ranjeet Kumar Sinha, OSD

Agenda No. 07

To consider the maintainability of the submission of the proposals for fixation of the fee for the batch 2022-23 at belated stage after taking admissions by the respective colleges, namely, (i) R.D.J.M. Medical College & Hospital Turki, Muzaffarpur (ii) Lord Buddha Koshi Medical College & Hospital, Saharsa (iii) Shree Narayan Medical Institute & Hospital Mahabir Nagar, Bherdhari, Sharsa, (iv) Madhubani Medical College, Madhubani and (v) Netaji Subhas Medical College & Hospital, Bihta, Patna and pass necessary orders after hearing the authorized representatives of the colleges aforesaid.

On over all consideration and hearing the representatives of the colleges, the proposals submitted beyond the prescribed, in fact, after taking admission of the students in the respective colleges under law cannot be considered. Consequently turned down as not acceptable or entertainable but at the same

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time, the Committee is bound under law to fix the fee on the basis of the materials available.

Accordingly, on the basis of the materials available, the comments of the Working Group relating to income and expenditure, etc., the fee for Under Graduate degree course per annum for the batch 2022-27 considering inflation @ 7.79% is respectively fixed for the colleges, namely, (i) R.D.J.M. Medical College & Hospital Turki, Muzaffarpur at Rs.7.98 Lac, (ii) Lord Buddha Koshi Medical College & Hospital, Saharsa at Rs.8.50 Lac (iii) Shree Narayan Medical Institute & Hospital Mahabir Nagar, Bherdhari, Shars at Rs.09 Lac, (iv) Madhubani Medical College, Madhubani at Rs.9.53 Lac and (v) Netaji Subhas Medical College & Hospital, Bihta, Patna at Rs.15.50 Lac including the development fee, but excluding hostel, mess charges and transportation to non-residents in hostel. However, it is made clear that the colleges cannot realize amount more than what they have already mentioned in the respective proposals.

Since the college has already taken admission and realized fee from the students which is in excess of the amount fixed above, consequently the difference amount is to be refunded to the students by the college directly in their bank accounts strictly within 30 days from today, failing which they have to pay 9% interest upon the amount, if paid, within next 30 days, i.e., within 60 days from today. In the event of failure, the College will be liable to pay compound interest @ 18% till the date of actual payment. It is expected that the college will make this Committee aware of the compliance at the earliest.

The Committee directs that the institution shall not charge as directly or indirectly any other amount over and above the amount fixed as fee and if any other amount is charged under any other head or guise that is donations, fee by any other name the same would amount to charging of capitation fee. Any deviation of this order of the committee will invite serious consequences.

It is further made clear that since the college has been granted permission for intake of the students for the academic year 2022-23 only, the above fee has been fixed only for the said batch for the period of 4.5 years.



The details reasoned orders with respect to respective colleges containing (1) 17 (Seventeen) pages, (2) containing 16 (Sixteen) pages (3) containing 20 (Twenty) pages, (4) containing 22 (Twenty two) pages and (5) containing 23 (Twenty three) Pages be kept with the file after communicating to all concerned under the signature of, Dr. Ranjeet Kumar Sinha, OSD

Agenda No.08

To consider implementation of the order dated 20.12.2022 relating to refund of extra amount realized from the students at the time of admission in previous session 2021-22 by Madhubani Medical College, Madhubani and pass due order on hearing the representative of the college.

Discussed with Agenda No.03 (i).

Agenda No.09

To consider the issue of realization of extra amount from the students of 2021-22 batch by Netaji Subhas Medical College & Hospital, Bihta, Patna contrary to the exclusion of hostel, mess charges and transportation to non-residents in hostel vide order dated 22.06.2022 of the Committee and pass due orders on hearing of the authority of the college.

After hearing the representative of the college, it is resolved that the college is bound to refund the extra amount received from the students in previous batch directly into their bank accounts within 30 days from today, failing which the consequences imposed as above in Agenda No.07 shall follow. Detailed reasons find mentioned in the order related to Agenda No.07

Agenda No.10

Any other point or points under the permission of the Hon'ble Chairman.

(i) It is pointed out by the Chairman that none of the Medical and Dental Colleges, while submitting its fee structure before the Bihar Combined Entrance Competitive Examination Board, mentions about the fee either fixed by the Committee or proposal submitted by it.

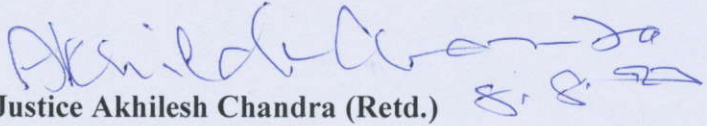
Resolution:

The Members of the Committee were shocked to learn such ignorance/negligence on the part of the colleges as well as BCECE Board and it is resolved to request the State Government to issue necessary directions to all concerned to be particular about the fee fixed by the Committee or status of the proposal, if any, submitted by the Medical or Dental Colleges as the case may be.

It is also expected that this Committee shall be made aware simultaneously about such directions issued. Meanwhile it is further resolved that for information and needful copy of this proceeding be also sent to the Controller of Examination, BCECE Board, Patna.

(ii) It is noticed that counselling for admission in MBBS course for the batch 2023-24 has started and process of scrutiny and verification of the documents related to the proposals submitted by the concerned private colleges has also been completed and the report of the Working Group is likely to be submitted within a week.

In view of the above it is resolved to held next meeting on 23.08.2023 at 11.00 A.M. Meanwhile, all concerned be intimated accordingly.


Justice Akhilesh Chandra (Retd.)
Chairman
Educational Fee fixation Committee