



FEES REGULATING AUTHORITY

Maharashtra Unaided Private Professional Educational Institutions
(Regulation of Admissions and Fees)

"शिक्षण-नव्वेव्यवसाय -ज्ञान यज्ञ"

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(Part-II)

Minutes of Meeting of Authority

Dt. 14/11/2024

The Meeting of the Fees Regulating Authority (constituted under section 11(2)(3)(4) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 held on 14th November, 2024 in the Conference Hall, Room No. 305, Government Polytechnic Building, 49 Kherwadi, Ali Yawar Jung Marg, Bandra (E), Mumbai – 400 051.

The following were present/absent:

1.	Hon'ble Justice V. L. Achliya (Retd.), Chairperson of Fees Regulating Authority	:	Present.
2.	Dr. Vijay Vasant Khole, Ex-Vice Chancellor, Mumbai University, Member of Fees Regulating Authority	:	Not Present.
3.	Shri. Manoj Damodar Chandak, Chartered Accountant, Member of Fees Regulating Authority	:	Present.
4.	Shri. Nitin Bapurao Chavan, Chartered Accountant, Member of Fees Regulating Authority	:	Absent.
5.	Shri. Ratnakar (Shirish) Phadtare, Cost Accountant, Member of Fees Regulating Authority	:	Present.
6.	Shri. Atul Damodar Dharap, Cost Accountant, Member of Fees Regulating Authority	:	Present.
7.	Shri. Adv. Dharmendra Dilip Mishra, Professional Educationist, Member of Fees Regulating Authority	:	Present.
8.	The Director, Technical Education, Mumbai, Ex-Officio Member of Fees Regulating Authority.	:	Absent.
9.	The Director Higher Education, (M.S), Ex-Officio Member of Fees Regulating Authority.	:	Absent.
10.	Commissioner Medical Education (M.S), Ex-Officio Member of Fees Regulating Authority representative Dr. Sunil Lilani O.S.D, Directorate of Medical Education & Research.	:	Present .

11.	The Director, Directorate of AYUSH, Maharashtra State, Ex-Officio Member of Fees Regulating Authority	:	Absent.
12.	The Member Secretary of the Maharashtra Council of Agriculture Education and Research , Pune , Ex-Officio Member of Fees Regulating Authority.	:	Presence dispensed for a day.
13.	Dr. Rajendra S. Bangal, Registrar, Maharashtra University of Health Science Nashik, Invitee Member of Fees Regulating Authority.		Present through video conferencing.
14.	Shri.Dileep Sardesai, I.A.S., Commissioner & Competent Authority, State Common Entrance Test Cell (holding additional charge) as Member Secretary of Fees Regulating Authority.	:	Present.

Item No. 2: To consider the letter dated 13/09/2024 received from Section Officer , Medical Education and Drugs Department (MEDD), Government of Maharashtra to allow the Bachelor of Ayurvedic Medicine and Surgery (B.A.M.S), Bachelor of Homoeopathic Medicine and Surgery (B.H.M.S) & Bachelor of Unani Medicine and Surgery (B.U.M.S) courses run by Unaided Private Professional Educational Institutions to charge 5 times the regular fees from the students admitted under Institutional and N.R.I quota from the academic year 2024-2025.

"Discussed.

The Authority has considered (1) the letter dated 13/09/2024 received from the Section Officer of Medical Education and Drugs Department (MEDD), Government of Maharashtra, (2) Copy of minutes of meeting dated 02/07/2024 presided over by Hon'ble Minister for Medical Education Government of Maharashtra, (3) The representation dated 30/06/2024 made by Association of Management of Ayurvedic Medical Colleges in Maharashtra. As per the representation made the Association has demanded to allow the Institutions running Ayurveda, Homeopathic & Unani courses to charge fees to the extend of five times from the students admitted under Management Quota irrespective the student is N.R.I. student or other than N.R.I. student.

The Authority has considered the decision taken in the meeting dated 02/07/2024 held under the Chairmanship of Hon'ble Minister for Medical Education Government of Maharashtra in its meeting held on 31/08/2023. It has resolved as under;

"It appears from the minutes of the meeting placed for the consideration of the Authority that pursuant to the representation made to Hon'ble Minister of Medical Education Government of Maharashtra the meeting was convened on 26/07/2023 . The representatives of the Unaided Colleges/institutions running Ayurved and Unani courses requested the Hon'ble Minister for Medical Education to allow them to charge the fees five times the regular fees from the students taking admission for U.G as well as P.G courses under Institutional Quota. The Hon'ble Minister has directed to place

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the subject for the consideration of the Fees Regulating Authority. Pursuant to said direction the Directorate of AYUSH has forwarded copy of the minutes to be placed for the consideration of the Authority.

It is brought to notice of the Authority that the Association of Management of Ayurvedic Medical Colleges of Maharashtra has filed the case Writ Petition St No. 1180/2023 and same is pending before the Hon'ble High Court, Bombay.

On due consideration of the subject, the Authority is of the view that the view of the Government as well as the Department of AYUSH Government of India needs to be called in the matter as the fixation of Management as well as N.R.I Quota is a matter of policy & decision to effect to be taken at the level of Government. It was therefore decided to seek the view of the Government of Maharashtra as well as the Department of AYUSH Government of India. On receipt of the view of the Government and AYUSH Department, the subject be placed for the consideration of the Authority for taking further decision in the matter.

Let the follow up action be taken accordingly".

By letter dated 13/09/2024 the concern officials has informed that in the meeting dated 02/07/2024 the decision was taken that Government has no objection to allow the Institute to charge and collect the fees upto 5 times the regular fees from the students admitted under Institutional/Management Quota from the academic year 2024-2025.

The view of the Department of AYUSH Government of India is yet to be received.

From the representation made by the Association of Management of Ayurvedic Medical Colleges in Maharashtra it appears that they have made demand to allow the Unaided Private Professional Educational Institutions/Colleges running Ayurved, Unani, Homoeopathic medicine to charge the fees upto 5 times from the students admitted under Management/Institutional Quota instead of 3 times and 5 times as provided under the existing fees structure by assigning the reason that due to dealy in reimbursement of fees by the Government of the students admitted under reservation Quota and payment of salary to its staff as per 7th pay commission they are unable to run the colleges from the income generated by way of fees approved by the Authority.

On due consideration of the reasons assigned by the Association the Authority is of the considered view that reasons assigned are not sufficient to entertain the demand to allow them to charge the fees upto 5 times from all the category of students admitted under Institutional Quota.

The Fees Regulating Authority is a Statutory body constituted under the provisions of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees)Act, 2015 (hereinafter referred to as the said 'Act of 2015') to regulate the fees to be charged by the Unaided

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Private Professional Educational Institutions conducting 'Professional Courses'. The Fees Regulating Authority being Autonomous body no direction or order can be issued in the matter of determination of fees . While determining the fees and regulating Authority has to ensure that no Unaided Private Professional Educational Institutions running professional courses shall indulged into act of profiteering and fees to be charged by such Institutes must be reasonable. Sec. 14 of the said Act of 2015 provides for procedure to be adopted by the Fees Regulating Authority in determining the reasonableness of the fees to be charged by the Unaided Private Professional Institutions running Professional courses. Sec 15 of the said Act of 2015 provides various factors to be taken into account while determining the fees structure of various professional courses run by the Unaided Private Professional Educational Institutions. The act of charging the fees over and above the fees approved by the Authority has been made punishable under sec. 20 of the said Act of 2015.

While determining the reasonableness of the fees to be charged by the Unaided Private Professional Educational Institution the Authority has to consider the proposal submitted by such Institutes/Colleges, the audited financial statement providing income and expenditure of such institute/college, the documentary evidence submitted with the proposal supporting the fees claimed. The proposal submitted by such institutes is duly scrutinized and considered by body of experts from the field of Chartered Accountant, Cost Accountant , high ranking officials from concern Department and experts from other field . The fees is determined on the basis of actual income and expenditure of such Institute/College. The expenditure made by the Institute towards operational and non operational cost as well as income is taken into consideration while determining the fees of the individual Institute/College seeking approval of fees. The factors provided under sec 15 of the said Act of 2015 are taken into consideration while determining the fees structure. Over and above the cost to be incurred by the institute in running the course the amount in the range of 10% to 15 % per student is allowed to be charged by such Institute to facilitate the Institute to carry development activities.

In that view the grievance agitated that by the Association that the institutes are required to pay salary as per 7 pay commission and fees collected from students is insufficient to meet the requirement is totally false & incorrect.

The fees of each of the institute is decided based upon its income and expenditure. The Authority also allow the interest paid over the working capital raised as an expenditure if such loan was secured to meet exigency like payment of salary etc. Therefore the demand of the Association not only unjust, improper and contrary to law .

In terms of the provisions of Act of 2015 the fees of the individual institute to be determined must be based upon its income and expenditure and evidence produce in support of the provisions. No institute can be permitted to indulged into act of profiteering by allowing to charge exorbitant and excessive fees.



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The Authority is of the considered view there is absolutely no reason to reconsider the earlier decision taken by the Authority in the meeting dated 19/03/2018 prescribing charging fees in multiples of the regular fees approved by the Authority from the students admitted under regular & Institutional Quota which includes N.R.I students. The decision in the meeting dated 19/03/2018 was taken after due deliberation with the Members of the Fees Regulating Authority, & experts, stakeholders such as the Secretary of Medical Education Drugs Department, State of Maharashtra, Director of Medical Education & Research, State of Maharashtra & Registrar, Maharashtra University of Health Sciences. In the meeting dated 19/03/2018 the following decision was taken pursuant to letter dated 24/04/2018 received from the Deputy Secretary Medical Education and Drugs Department, State of Maharashtra;

"There is a practice of Private Professional Medical Colleges and other institutions charging fees in multiples of the regular fees approved by the Fees Regulating Authority from the students admitted against NRI/Institutional quotas. Issue has been discussed in depth and from all possible angles. Keeping in view the interests of managements and students community as a whole following decisions have been arrived at unanimously.

1. *We do not see any legal hurdle in approving on going*
2. *practice of institutions/ colleges imparting health science courses, applying different fee structures for the students admitted against NRI and Institutional quotas.*
3. *As regards quantum of fees structures, we consider that maximum limit shall be 5 times and 3 times for the students admitted against NRI and Institutional quotas respectively. Provided that the institutions before start of admission process shall be required to declare its fee structures for respective quotas, discipline wise/course wise on its website as well as on the website of Director, Medical Education and Research, Mumbai and Fees Regulating Authority.*
4. *Fees collected from the institutions from the students of above categories shall be reflected in the statement of Income and Expenditure of the institution. The fees Regulating Authority shall consider it appropriately while approving the fee structure of the next academic year relating to that institution and for the particular course".*

Pursuant to letter dated 06/08/2018 received from the Principal , Sancheti College of Physiotherapy, Pune regarding fees structure for N.R.I and Institutional Quota. The Authority has clarified the earlier decision dated 19/03/2018 as under;

"Decision:

Issue raised is, whether the decision dated 19/3/2018 on the subject of Multiple fee structures for the students seeking admission against seats available for NRI and Institutional quotas in

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Unaided Private Professional College imparting health science courses and also applies to the fees structure of physiotherapy courses for the academic year 2018-2019.

It is resolved to issue following clarification:

Decision dated 19/3/2018 on the subject referred above shall be applicable to all health science courses conducted by unaided private professional colleges/institutes. Fee collected by such institute in multiple of the regular fees from the students admitted against NRI/Institutional quota should be reflected in the statement of income and expenditure for the particular financial year. In turn Fees Regulating Authority shall consider it as an income of the institute while approving fee structure of the given academic year.

Office to communicate above decision to the concerned".

The Association running the Ayurved, Unani, Homoeopathic medicine cannot claim separate fees structure be made applicable to them than the institutes running other Health Science Courses. The fees structure applicable to Health Sciences courses must be uniform. No material has been placed by the Association to reconsider the earlier decision taken by the Authority in its meeting held on 19/03/2018 . It was therefore decided not to entertain the request made by the Association of Medical colleges running Ayurved, Unani & Homoeopathic medicines to allow them to charge fees upto five times from all the students admitted under Institutional Quota for UG and PG courses.

So also the demand of the Association cannot be entertained for the reason the process of approval of fees structure for the academic year 2024-2025 has started from the month of October 2023. The fees of all such colleges have been finalized and declared by the Authority for the academic year 2024-2025. In that view the demand of the Association cannot be entertained.

While deciding the proposals and more particularly the institutes running under graduate course in Ayurved (B.A.M.S) the Authority has noticed that most of the colleges have furnished the information in writing that they have not received fees more than the regular fees from the candidates admitted under Institutional/ Management Quota. If the majority of the colleges are not able to generate any additional income from Institutional Quota then there is no reason for the Association to put forth the demand to allow the institutes to charge the fees upto 5 times from all the students admitted under Institutional Quota.

The Authority has received number of complaints alleging of demand of fees by Ayurvedic Colleges more than the fees prescribed and approved by the Fees Regulating Authority from the students allotted seats through CET. The explanation of number of institutes and particularly running Ayurvedic Colleges have been called by the Authority. In the complaints received the students have specifically alleged that the Institutes demanded fees 5 times the regular fees when they approach for taking admission as per seat allotted by the CET. Some of the students have complained the denial of admission by such institutes by demanding the fees more than the fees approved by the Authority. Therefore there appears to be some oblique motive in raising such demand by some of the institutes to cover up their act of collecting fees more then the fees approved by the Authority.

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In view of the above the Authority is of considered opinion that the demand of the Association to allow the Unaided Private Professional Educational Institutions running Ayurved, Unani & Homeopathic courses to charge the fees upto 5 times from the students admitted under Institutional/Management Quota deserves no consideration. Accordingly the demand made by the Association is rejected".

Date: 14th November, 2024

Place: Mumbai



**Justice Vijay L. Achliya (Retd.)
Chairperson
Fees Regulating Authority
State of Maharashtra**