

शिक्षण शुल्क समिती

305, शासकीय तंत्र निकेतन इमारत,
49, खेरवाडी, अक्ती चावर जंग मार्ग, वझे. (पूर्व), मुंबई - 400 051.
दुरध्वनी नं-2647 6034/2647 6037

क.शिशुस/फी-परतावा/2007/६५६

२४ ऑगस्ट 2007


कार्यालयीन आदेश

शिक्षण शुल्क समितीच्या (उच्च व तंत्र शिक्षण) दिनांक 11 मे 2007 रोजी झालेल्या बैठकीत व शिक्षण शुल्क समिती (वैद्यकीय शिक्षण) च्या दिनांक 6 जून 2007 रोजी झालेल्या बैठकीत पुढीलप्रमाणे निर्णय घेण्यात आला आहे:-

2. विद्यार्थ्यांनी एखाद्या संस्थेत घेतलेला प्रवेश काही कारणान्वये रद्द केल्यास व संस्थेने सदर जागा दुस-या विद्यार्थ्यांस प्रवेश देवून भरल्यास अशा प्रकरणामध्ये प्रवेश रद्द केलेल्या विद्यार्थ्यांकडून घेतलेली सर्व फी, रु. 1000/- इतकी रक्कम संस्करण शुल्क म्हणून ठेवून बाकीची फी त्यांना परत करावी तसेच त्या कॉलेज/संस्था यांनी त्या विद्यार्थ्यांकडून घेतलेली सर्व प्रमाणपत्रे तात्काळ परत करावीत.

3. वरील निर्णयानुसार उच्च व तंत्र शिक्षण विभाग तसेच वैद्यकीय शिक्षण विभागांतर्गत येणारी सर्व महाविद्यालये व संस्था यांना असेनिदेश देण्यात येत आहेत की सन 2006-07 या शैक्षणिक वर्षापासून समितीच्या उक्त निर्णयाची अंमलबजावणी काटेकोरपणे करावी.

मा. अध्यक्ष, शिक्षण शुल्क समिती यांच्या आदेशान्वये,


(सदाशिव कांबळे)
कार्यालयीन सचिव

प्रति

1. सर्व विना-अनुदानित अभियांत्रिकी फार्मसी, आर्किटेक्चर पदविका/पदवी महाविद्यालये.
2. सर्व विना-अनुदानित वैद्यकीय, दंत-वैद्यकीय, भौतिकोपचार महाविद्यालये
3. संचालक, तंत्रशिक्षण, महाराष्ट्र राज्य, मुंबई 400 001.
4. संचालक, वैद्यकीय शिक्षण व संशोधन, महाराष्ट्र राज्य, मुंबई
5. प्रधान सचिव, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई 400 032.
6. प्रधान सचिव, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई 400 032
7. महासंचालक, माहिती व जनसंपर्क, मंत्रालय, मुंबई 400 032.

Extract of Meeting of the **Shikshan Shulka Samiti** (Higher & Technical Education) held under the Chairmanship of **Justice P.S. Patankar** (Retd.) on Tuesday, **the 18th September 2007 at 11.30 a.m.** in the Office of the Director, Medical Education & Research, 4th Floor, Govt. Dental College Bldg, St. George's Hospital Compound, Mumbai 400 001.

Item No.5: To consider the letter dated 1st September 2007 received from Hyderabad (Sind) National Collegiate Board - Watumull Institute of Electronics Engineering & Computer Technology, Worli, Mumbai regarding refund of the fees in the matter of cancellation of admission taken during the A.Y. 2006-07.

Heard Shri Bhambhani, Rector and Ms. Sandhya Desai, Principal of the Watumull Institute of Electronics Engineering & Computer Technology, Worli, Mumbai. Perused the application dated 29 August 2007 of the Institute.

The question raised is regarding refund of the fees of the students who took admission during the year 2006-07, but later cancelled the admissions. It is mainly contended that the brochure for 2006-07 issued by the Institute clearly provided that "fees once paid will not be refunded in any circumstances". This was announced also. It was made clear to the students at the time of counselling that refund would be made only as per the State Government/ University rules and in case cancellation is made within one week. The 5 students mentioned in the letter of the Institute have not sought cancellation within one week. This position has been changed for admissions during 2007-08, in view of the directives issued by the Govt. The Institute is applying them. But it is not applicable retrospectively for the year 2006-07.

It is necessary to note that the Supreme Court delivered the Judgement in the matter of Islamic Academy of Education and others v/s. State of Karnataka and others, on 14 August 2003 and the State Government constituted the Shikshan Shulka Samiti as per the Resolution dated 23 September 2003. The Supreme Court directed and the Committee was constituted to check profiteering and acceptance of capitation fees by private unaided educational institute. Therefore, since that time no private unaided educational institute can indulge in profiteering or charge capitation fee. The Committee has passed the Resolution on 11 May 2007, which is as under:

"The Samiti considered the complaint letter from Mr. Dattatray Vedhphatak regarding refund of fees in respect of B. Architecture for academic year 2006-07. The Office Secretary informed the Samiti that Kamla Raheja Vidyanidhi Institute for Architecture & Environment Studies, Mumbai wants specific direction from the Samiti regarding refund of fees to Mr. Vedpathak. The Samiti decides that if a seat is filled in and there is no vacant seats remain to be filled in by the College/Institute, in such a case, the College/Institute should deduct only up to Rs.1000/- and balance amount of fees paid by a student should be refunded, otherwise the same would amount to profiteering and charging of capitation fees. The Samiti decides to adopt this as policy and accordingly gives the directions in



case Shri Vedpathak and other similar cases wherein the Samiti receives complaints about refund of fee."

It is only clarificatory in nature. It only permits the institutes to retain Rs.1000/- as processing charges and remaining fees are to be refunded, in case all the seats are filled. It only allows the Institute to retain the amount of fees if the seat is not filled in. This is with a view that the Institute should not suffer in case the seat is not filled in. But in case the seat is filled in, then the Institute cannot recover the fees from the two students, as this would amount to profiteering. It cannot retain the fees collected from the outgoing student and also from the new incoming student.

While showing divisor factor, the sanctioned strength is considered and the student who has left is not considered. It was asked particularly to the Principal of this Institute whether she is ready to include that student who left in the divisor factor and the reply was negative. It was for obvious reason. As the fee was considered for all students, then it would go down not only for one year but for the course. The Resolution thus balances both the sides. Therefore there is no merit in the contention that the Resolution dated 11 May 2007 seeks to give retrospective effect or it was passed in case of another student by name Shri Vedpathak without hearing this Institute. It was a general decision taken by the Samiti in that case. There is also no merit in the contention that it would destabilize its accounts for the year 2006-07. There is no such question as the fixation of fees is based on the expenditure and the Samiti is concerned with profiteering by the Institute. It has already recovered the amount from two students. Hence refund to the student who left is necessary. Many other Institutes have followed this in such circumstances. Hence, we reject this application.