

Supreme Court of India

T.M.A. Pai Foundation And Others vs State Of Karnataka And Others on 13 May, 1994

Equivalent citations: 1994 SCC (4) 728, 1994 SCALE (3)8

Author: K Singh

Bench: Kuldeep Singh (J)

PETITIONER:

T.M.A. PAI FOUNDATION AND OTHERS

Vs.

RESPONDENT:

STATE OF KARNATAKA AND OTHERS

DATE OF JUDGMENT 13/05/1994

BENCH:

KULDIP SINGH (J)

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KULDIP SINGH (J)

AGRAWAL, S.C. (J)

MOHAN, S. (J)

JEEVAN REDDY, B.P. (J)

BHARUCHA S.P. (J)

CITATION:

1994 SCC (4) 728 1994 SCALE (3)8

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. The Union of India has filed an affidavit through Mr Alok Perti, Director, Ministry of Health and Family Welfare, Government of India. It is stated therein that the Government of India is in the process of finalising the fee structure in the Medical and Dental Colleges. It is, however, indicated in draft guideline annexed to the affidavit that an amount of Rs 1,90,000 per student per year shall be payable as fee in the Medical Colleges in respect of the payment seats. So far as the Dental Colleges are concerned, the fee suggested is Rs 1,30,000. We have heard Mr D.P. Gupta, learned Solicitor General in this respect. We have also heard Mr Kapil Sibal and Mr Tarkunde, Senior Advocates. We are of the view that the fees structure suggested in the guideline is very much on the higher side. While arriving at this figure, the Government of India has not taken into consideration the Non-Resident Indian (NRI) component which itself is a measure of subsidy to the Institutions.

2. We fix the following tentative and provisional fee structure for Medical and Dental Colleges for the year 1994- 95:

Medical Colleges (1) Medical Colleges having their own Hospital facility - Rs 1, 10,000 per annum. (2) Medical Colleges having partly their own Hospital facilities and partly utilising the Government facilities - Rs 1,00,000 per annum. (3) Medical Colleges who do not have their own Hospital facilities, but entirely depend on Government Colleges for training of students - Rs 90,000 per annum.

Dental Colleges (1) Dental Colleges having their own Hospital facilities - Rs 70,000 per annum. (2) Dental Colleges availing the facilities of Government Colleges Rs 60,000 per annum.

3. So far as the NRI quota is concerned, we fixed the same as 15% last year. We fixed the NRI quota in respect of minorities' institutions as 5%. Although the NRI quota should not, normally, be more than 5%, but keeping in view the reduction in the fee structure, we fix the same as 10% (of the total seats) for this year. We further make it clear that in case any seat in the NRI quota remains unfilled, the same can be filled by the Management at its discretion.

4. So far as the other Medical (Indian system of Medicine) including Homeopathy Institutions are concerned, we leave it to the respective State Governments to fix the fee structure. The State Government shall keep in view the reduced fee structure which we have fixed for the Medical and Dental Colleges.

5. Writ Petition 2228 of 1981 and SLP No. 8844 of 1986 are delinked and are to be listed separately. CP No.92 of 1994 in WP No. 317 of 1993

6. At the request of Mr Acharya, learned Advocate General for the State of Karnataka, we adjourn this contempt petition to 20-7-1994.

Court Master