

Sahil Bhargava & Ors.

v.

State of Uttarakhand & Ors.

(Special Leave Petition (C) No. 19953 of 2024)

09 September, 2024

**[Dr Dhananjaya Y Chandrachud, CJI,
J.B. Pardiwala and Manoj Misra, JJ.]**

Issue for Consideration

Issue arose as regards the fixation of the fee for the undergraduate medical degree course offered by college.

Headnotes[†]

Education/Educational Institutions – Medical admission – Undergraduate medical degree course – Fixation of fee – Students granted admission in 2018 to the medical UG course and completed the same in 2023 – At the time of admission, fee was Rs five lakhs p.a. for the All India quota seats and Rs four lakhs p.a. for the State quota seats subject to the final decision in the writ petitions pending before the High Court – In 2019, the fees revised for the academic years 2019-2022 at Rs 13.22 lakhs p.a. for the All India quota and Rs 9.78 lakhs p.a. for the State quota which was later charged for the academic year 2018-19 also – Writ petitions by the students seeking direction to the respondents to issue undergraduate degrees to them without insistence on any extra payment of tuition fee – High Court directed the students to deposit the fees in installments, and in the subsequent interim order directed that on the payment of the first installment, provisional certificate for completion of the course would be issued, and the students would be permitted to begin their internships – Challenge to, whereby, this Court permitted the students to continue the internship programme subject to deposit of two installments and the High Court to dispose of the pending writ petition expeditiously – Thereafter, the High Court admitted the writ petitions and posted the matter for March 2025, directing that subject to the deposit of the fee, original documents submitted by students to the university would be returned:

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Held: Order of this Court sought to remove such an imbroglio by issuing a direction for the deposit of two installments of fees and requested the High Court to dispose of the petition – Instead of doing so, the High Court simply admitted the petition and posted it to March 2025 – No early resolution of the dispute seems likely – Students cannot be left in the lurch to an uncertain future – Students have paid approximately Rs 34 lakhs per student for the All-India quota seats and Rs 28 lakhs per student for the State quota seats, inclusive of the security deposit and remaining installments – In view thereof, students to be returned their original documents, to pursue their postgraduate studies and practice medicine, on the deposit of Rs 7.50 lakhs each over and above the amounts already deposited – Students to file an undertaking to pay the balance amount on the final disposal of the pending writ petitions – Interim order of the High Court modified in the said terms. [Paras 12-16]

List of Acts

Uttarakhand Unaided Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act; Shri Guru Ram Rai University Act 2016

List of Keywords

Medical admission; Undergraduate medical degree course; Fixation of fee; Extra payment of tuition fee; Provisional certificate for completion of the course; Internships; Original documents submitted by students.

Case Arising From

EXTRA-ORDINARY CIVIL JURISDICTION: Special Leave Petition (C) No. 19953 of 2024

From the Judgment and Order dated 06.08.2024 of the High Court of Uttarakhand at Nainital in WPMS No. 775 of 2023

Appearances for Parties

Gaurav Agrawal, Sr. Adv., Ms. Tanvi Dubey, Raghav Sabharwal, Mekala Ganesh Kumar Reddy, Aditya Nema, Advs. for the Petitioners.

Gopal Sankaranarayanan, Sr. Adv., Sagar Gaur, Ankit Shah, Dilip Annasaheb Taur, Advs. for the Respondents.

Digital Supreme Court Reports**Judgment / Order of the Supreme Court****Order**

1. The dispute in the present case relates to the fixation of the fee for the undergraduate medical degree course offered by a college in the State of Uttarakhand. The petitioners are students who were granted admission in 2018 to the undergraduate medical degree course administered by the third respondent - Shri Guru Ram Rai Institute of Medical and Health Sciences College. The students completed the course in 2023. The second respondent is the Shri Guru Ram Rai University, a university governed by an Act of the state legislature,¹ of which the third respondent is a constituent college.
2. The state legislature enacted the Uttarakhand Unaids Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act in 2006. The Act applies to "unaids private professional educational institutions in the state which are affiliated to state-funded universities, councils, boards or other bodies established under law, excluding minority institutions".² The Act establishes an 'Admission and Fee Regulatory Committee', which *inter alia* determines the fees for admission to professional courses of private institutions.³ The Act also provides for the constitution of an appellate authority to hear appeals against the orders of the Admission and Fee Regulatory Committee.⁴
3. On 4 April 2018, a nodal agency appointed by the State Government prescribed the fee structure for the undergraduate medical courses of seven medical colleges, including the third respondent. The fee structure as posted by the nodal agency on their website (Annexure P-2) prescribed a fee of rupees four lakhs for State quota seats and rupees five lakhs for the All India quota seats.
4. These fees and allied issues were the subject matter of writ petitions filed by the second and third respondents before the

¹ Shri Guru Ram Rai University Act 2016, Uttarakhand Act No. 03 of 2017.

² S.2, Uttarakhand Unaids Private Professional Educational Institutions (Regulation of Admission & Fixation of Fee) Act.

³ S.4, *Ibid.*

⁴ S.12, *Ibid.*

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Uttarakhand High Court.⁵ The High Court, by an interim order directed that admissions may be carried out and the fee collected will be subject to the final outcome of the Writ petition.

5. In March 2019, the Admission and Fee Regulatory Committee fixed the fees for the academic years 2019-2020, 2020-2021 and 2021-2022 at Rs 13.22 lakhs per annum for the All India quota and Rs 9.78 lakhs per annum for the State quota. The principal of the third-respondent college preferred an appeal before the appellate authority contending *inter alia* that the committee had erred by failing to fix the same fee for the academic year 2018-19 for the undergraduate medical degree course. By an Order dated 25 February 2023, the appellate authority affirmed the fee structure and further directed that the same fees also be charged for the academic year 2018- 2019.
6. Letters were addressed by the college principal on 1 March 2023 asking all the petitioners to pay outstanding fees of Rs. 36.99 lakhs for the All India quota students and Rs 26.01 lakhs for the State quota students, in accordance with the revised fees fixed by the committee and affirmed by the appellate authority.
7. The petitioners instituted Writ Petitions before the High Court challenging the order of the appellate authority, the letter dated 1 March 2023 and seeking a direction to the respondents to issue undergraduate degrees to the petitioners without insistence on any extra payment of tuition fee.⁶ On 22 March 2023, the High Court rejected the prayer to stay the order of the appellate authority and directed the petitioners to deposit the fees in three equal installments. By a subsequent interim order dated 3 April 2023, the High Court directed the petitioners to deposit the amount in nine equal installments instead of three installments. The order also records the statement of the counsel, that on the payment of the first installment, the second and third respondents would issue a provisional certificate for completion of the undergraduate medical degree course to the petitioners, and they would be permitted to begin their internships.

5 WPMS No. 933/2018; WPMS No. 1789/2018.

6 WPMS No. 755/2023.

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8. The interim order of the High Court dated 3 April 2023 was challenged by the petitioners before this Court. An order dated 28 April 2023 was passed in SLP (C) No 8760 of 2023 permitting the petitioners to continue the internship programme subject to the deposit of two installments in terms of the interim order of the High Court. The High Court was, however, requested to dispose of the pending Writ Petition as expeditiously as possible, preferably within three months from the date of the order.
9. When the petition came up before the High Court on 26 August 2024, by the impugned order, the High Court admitted the Writ Petitions. The High Court posted the matter to be listed in March 2025 and further directed that subject to the deposit of the fee, the original documents submitted by the petitioners to the university at the time of admission, would be returned.
10. We have heard Mr Gaurav Aggarwal, senior counsel appearing on behalf of ninety- one petitioners before this Court in these proceedings and Mr Gopal Sankarnarayanan, senior counsel appearing on behalf of the second and third respondents.
11. The original fee when the students took admission was Rs five lakhs per annum for the All India quota seats and Rs four lakhs per annum, for the State quota seats. The fee structure as posted by the nodal agency on their website (Annexure P-2) indicated that this fee was subject to the final decision in the writ petitions which were pending before the High Court.
12. The challenge to the fixation of fees is yet to attain finality since the students' petitions have been admitted by the High Court. In the meantime, it is common ground that the petitioners have paid an amount of approximately Rs 34 lakhs per student for the All-India quota seats and approximately Rs 28 lakhs per student for the State quota seats.
13. Mr Gaurav Aggarwal, senior counsel states that the above figure, as indicated to the court, is inclusive of:
 - (i) The security deposit of Rs three lakhs which has been adjusted; and
 - (ii) Two installments which were paid in pursuance of the order of this Court dated 28 April 2023.

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14. At this stage, bearing in mind the above amounts which have been paid, we are of the view that an equitable interim order which will apply during the pendency of proceedings before the High Court should be passed so as to enable the students to obtain the return of their original documents to pursue their postgraduate studies and practice medicine. Absent such a direction, the students, despite having completed their undergraduate medical studies and internship, would not be able to either pursue medicine or secure admission for higher studies. The order of this Court dated 28 April 2023 sought to obviate such an imbroglio by issuing a direction for the deposit of two installments of fees and requested the High Court to dispose of the petition. Instead of doing so, the High Court simply admitted the petition and posted it to March 2025. No early resolution of the dispute seems likely. The students cannot be left in the lurch to an uncertain future.
15. We accordingly direct that conditional on the petitioners depositing an amount of Rs 7.50 lakhs each with the second and third respondents over and above the amounts which have already been deposited, they shall be entitled to a return of their original documents submitted at the time of obtaining admission. This is subject to the condition that the petitioners shall file an undertaking to pay the balance amount in the event that they are called upon to do so at the final disposal of the pending writ petitions.
16. The interim order of the High Court shall stand modified in the above terms. It is clarified that this order does not express any opinion on the merits of the underlying writ petitions pending before the High Court.
17. The Special Leave Petition is accordingly disposed of.
18. Pending applications, if any, stand disposed of.

Result of the Case: Special Leave Petition disposed of.

[†]Headnotes prepared by: Nidhi Jain