



Admission Overseeing Committee

ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

KEA/AOC/31/2022-23

Date: 24.02.2023

Attention of the All Ayurvedic and Unani Medical Colleges in the State:

This Committee has received large number of complaints from the students selected for study of BAMS and BUMS course in unaided professional education institutions for the academic year 2022-23, alleging that the allottee unaided institutions are demanding and forcefully collecting the fee towards development fee, skill lab fee, fee for books and other miscellaneous fee which is over and above the fee prescribed by the State Government through consensual agreement.

As per the consensual agreement entered into between the Government of Karnataka and Karnataka State Ayush Medical Colleges Federation (R), in the matter of sharing of seats and fixation of fee in respect of such seats for BAMS and BUMS course. The Government has fixed the seat sharing and the annual fees. As per the said consensual agreement 15% seat being All India quota in the fee structure of Rs.2,00,000/- per annum, government quota of 25% in the fee structure of Rs.60,000/- per annum, the management quota 40% in the fee structure of Rs.3,50,000/- per annum, and 20% quota of NRI/Management in the fee structure of Rs.7,00,000/- per annum. In fact the Government has enhanced the fee structure for 40% of management quota from Rs.2,20,500/- to 3,50,000/- per annum from this academic year 2022-23 which includes university fee. In the Government order it has made clear that the institution shall not collect any fee over and above the fee fixed by the State Government. In the consensual agreement and in the Government order no provision has been made with regard to collection of development fee, Skill lab fees and other miscellaneous fees. Hence, the institutions are hereby instructed not to collect any fee over and above the fee prescribed by the State Government for

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study of above said courses. The Hon'ble Supreme Court in its judgment dated 19.05.2022 (Rashtreeya Sikshana Samithi Trust Etc. V/s Committee For Fixation of Fee Structure Of Private Professional Colleges & Ors. Etc) clearly held that once the competent authority fix the fee for the professional courses the institution cannot collect any fee over and above the fee fixed by the competent authority. Further, Hon'ble Supreme Court clearly held that *"the management of private medical colleges are strictly prohibited from accepting the payment of fee in cash, in order to avoid charging of the capitation fee."* The Hon'ble Supreme Court in TMA Pai Foundation case and subsequent judgments clearly held that the collection of any fee over and above the fee fixed by the State Government/Competent Authority falls under the purview of the provisions of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act 1984. Demanding and collecting of any fee over and above the fee prescribed by State Government is also amounts to harassment and exploitation of the students and violates the triple test evolved by the Hon'ble Supreme Court in TMA Pai Foundation case and subsequent judgments.

In view of the above dictum the private institutions cannot collect any fee over and above the fee prescribed by the State Government, failing which the Committee will be initiate necessary proceedings against those colleges which demanding and collecting any fee over and above fee fixed by the State Government.

JUSTICE.B.MANO HAR

CHAIRMAN

ADMISSION OVERSEEING COMMITTEE