

1

(M) (M)

(98)

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF MEDICAL EDUCATION AND RESEARCH  
(HEALTH III BRANCH)**

**NOTIFICATION**

No.2/1/05-2HB-III/ 700.

Dated: 2/3/2005

**Subject:** Implomntation of Hon'ble Apex Court orders in case titled Islamic Academy of Education v State of Karnataka & TMA Pai V State of Karnataka - setting up of state mechanism to deal with cases related to excess fee etc. charged by institutions of medical institutions from students.

The Hon'ble Supreme Court of India, in Islamic Academy of Education v State of Karnataka & TMA Pai Foundations v State of Karnataka, has ordered that each State Government, till the setting up of a statutory authority, shall device a mechanism to deal with exploitation of students through charging of excess fee etc. by the un-aided institutions of medical education established in the private sector. Accordingly, the following mechanism is set up deal with such complaints regarding excess charging of fee etc. by the private, un-aided institutions imparting instructions or running courses in the field of medical education :-

1. The State Government in Medical Education and Research shall nominate an officer to act as a nodal officer for keeping and monitoring the progress of the complaints.
2. All complaints, whether received directly in the Department of Medical Education or through media or where the Government takes a suo moto notice, shall be diarised and placed in a file.
3. The nodal officer shall examine each complaint for checking basic facts such as the name of the institution, name and address of the complainant.
4. The nodal officer shall put up all the complaints after due examination to the Secretary, Medical Education and Research who may:
  - a. File the complaint if it in his opinion is a vexatious anonymous or pseudonymous complaint.
  - b. May order that the complainant shall furnish a sworn affidavit to support his allegations.
  - c. May order that additional information be sought from the complainant with or without a sworn affidavit.
  - d. Advise the complainant to first approach the institutions or individual concerned with his complaint and resubmit an application if his grievance still remains unresolved.

AK

- e. Order of specially constituted Committee to hold a preliminary inquiry.
  - f. Take such actions as he may deem fit, if in his opinion that the matter is of utmost urgent nature and requires immediate intervention.
5. In case the Secretary, Medical Education and Research in prima facie satisfied that the complaint is required to be looked into further, then may enquire himself, or cause an enquiry to be made in to the allegations levelled by the complainant.
  6. For the conduct of such enquiries, a summary procedure shall be followed and the person or agency conducting such an enquiry shall complete the enquiry within stipulated period of time. A delay in the conduct of enquiry may mean loss of opportunity to certain students who may be affected by the outcome of the enquiry.
  7. The enquiry officer or agency conducting such an enquiry shall have the powers to join the concerned individuals in the inquiry and access, obtain and scrutinise the records of the institutions as well of any person or record of the Government which may be needed to conclude such an enquiry.
  8. The Person or agency conducting such an enquiry shall not only be for the purpose of finding facts but shall suggest possible measures to combat occurrence of similar infringements on the part of un-aided institutions.
  9. The Government shall consider enquiry report within seven days and may take appropriate action in this regard, which may, include fine to the extent of 10 to 15 times the extra fee charged by the institution, and if such an offences is of serious nature or if the institute repeatedly indulges in such a practice, then the Government may cause the institutions to be de-affiliated or de-recognised by the competent authority in this behalf.
  10. All final orders of the Government shall be quasi-judicial in nature, and passed in after giving a reasonable opportunity of being heard to the concerned institutions, and issued under the seal and signature of the Secretary, Medical Education and Research.

*Sarvesh Kaushal*  
 ( Sarvesh Kaushal IAS )  
 Secretary,  
 Medical Education & Research

No.2/1/05-2HB-III/70].

Dated: 2/3/2005

A copy along with spare copy is forwarded to the Controller, Printing and Stationery Department, Punjab, Chandigarh, for publishing in the Punjab Govt. Gazette (Ordinary) and supply one hundred copies without endorsements to this Department for official use.

*Sarvesh Kaushal*  
 Secretary,  
 Medical Education & Research

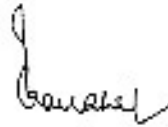
No.2/1/05-2HB-III/ 702-11.

Dated: 2/3/2005.

(2)

A copy of the above is forwarded to the following for information please:

1. Chairman, Fee Fixation Committee, Room No. 623, Punjab Mini Secretariat, Sector 9, Chandigarh.
2. Vice Chancellor, Baba Farid University of Health Sciences, Kotkapura Road, Faridkot.
3. Government Medical College, Patiala/Amritsar/Faridkot
4. Government Dental College, Patiala/Amritsar.
5. All un-aided/private Medical College in the State.
6. All un-aided/private Dental Colleges in the State.
7. All un-aided/private Nursing Colleges in the State.



Secretary,  
Medical Education & Research

(46)

GOVERNMENT OF PUNJAB  
DEPARTMENT OF MEDICAL EDUCATION AND RESEARCH  
(HEALTH III BRANCH)

NOTIFICATION

No.2/1/05-2HB-III/ 700.

Dated: 2/3/2005

Subject: Implementation of Hon'ble Apex Court orders in case titled Islamic Academy of Education v State of Karnataka & TMA Pai V State of Karnataka – setting up of state mechanism to deal with cases related to excess fee etc. charged by institutions of medical institutions from students.

The Hon'ble Supreme Court of India, in Islamic Academy of Education v State of Karnataka & TMA Pai Foundations v State of Karnataka, has ordered that each State Government, till the setting up of a statutory authority, shall devise a mechanism to deal with exploitation of students through charging of excess fee etc. by the un-aided institutions of medical education established in the private sector. Accordingly, the following mechanism is set up deal with such complaints regarding excess charging of fee etc. by the private, un-aided institutions imparting instructions or running courses in the field of medical education :-

1. The State Government in Medical Education and Research shall nominate an officer to act as a nodal officer for keeping and monitoring the progress of the complaints.
2. All complaints, whether received directly in the Department of Medical Education or through media or where the Government takes a suo moto notice, shall be diarised and placed in a file.
3. The nodal officer shall examine each complaint for checking basic facts such as the name of the institution, name and address of the complainant.
4. The nodal officer shall put up all the complaints after due examination to the Secretary, Medical Education and Research who may:
  - a. File the complaint if it in his opinion is a vexatious anonymous or pseudonymous complaint.
  - b. May order that the complainant shall furnish a sworn affidavit to support his allegations.
  - c. May order that additional information be sought from the complainant with or without a sworn affidavit.
  - d. Advise the complainant to first approach the institutions or individual concerned with his complaint and resubmit an application if his grievance still remains unresolved.

- (57)
- e. Order of specially constituted Committee to hold a preliminary inquiry.
  - f. Take such actions as he may deem fit, if in his opinion that the matter is of utmost urgent nature and requires immediate intervention.
5. In case the Secretary, Medical Education and Research in prima facie satisfied that the complaint is required to be looked into further, then may enquire himself, or cause an enquiry to be made in to the allegations levelled by the complainant.
  6. For the conduct of such enquiries, a summary procedure shall be followed and the person or agency conducting such an enquiry shall complete the enquiry within stipulated period of time. A delay in the conduct of enquiry may mean loss of opportunity to certain students who may be affected by the outcome of the enquiry.
  7. The enquiry officer or agency conducting such an enquiry shall have the powers to join the concerned individuals in the inquiry and access, obtain and scrutinise the records of the institutions as well of any person or record of the Government which may be needed to conclude such an enquiry.
  8. The Person or agency conducting such an enquiry shall not only be for the purpose of finding facts but shall suggest possible measures to combat occurrence of similar infringements on the part of un-aided institutions.
  9. The Government shall consider enquiry report within seven days and may take appropriate action in this regard, which may, include fine to the extent of 10 to 15 times the extra fee charged by the institution, and if such an offences is of serious nature or if the institute repeatedly indulges in such a practice, then the Government may cause the institutions to be de-affiliated or de-recognised by the competent authority in this behalf.
  10. All final orders of the Government shall be quasi-judicial in nature, and passed in after giving a reasonable opportunity of being heard to the concerned institutions, and issued under the seal and signature of the Secretary, Medical Education and Research.

*Sarvesh Kaushal*  
( Sarvesh Kaushal I.A.S. )  
Secretary,  
Medical Education & Research

No.2/1/05-2HB-III/701.

Dated: 2/3/2005

A copy along with spare copy is forwarded to the Controller, Printing and Stationery Department, Punjab, Chandigarh, for publishing in the Punjab Govt. Gazette (Ordinary) and supply one hundred copies without endorsements to this Department for official use.

*Sarvesh Kaushal*  
Secretary,  
Medical Education & Research

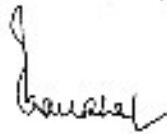
No.2/1/05-2HB-III/702-11.

Dated: 2/3/2005.

2

A copy of the above is forwarded to the following for information please:

1. Chairman, Fee Fixation Committee, Room No. 623, Punjab Mini Secretariat, Sector 9, Chandigarh.
2. Vice Chancellor, Baba Farid University of Health Sciences, Kotkapura Road, Faridkot.
3. Government Medical College, Patiala/Amritsar/Faridkot
4. Government Dental College, Patiala/Amritsar.
5. All un-aided/private Medical College in the State.
6. All un-aided/private Dental Colleges in the State.
7. All un-aided/private Nursing Colleges in the State.



Secretary,  
Medical Education & Research