



FEES REGULATING AUTHORITY

Maharashtra Unaided Private Professional Educational Institutions
(Regulation of Admissions and Fees)

"शिक्षण-नव्वेव्यवसाय -ज्ञान यज्ञ"

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Meeting Date: 13th January, 2022

Minutes of Meeting

The Meeting of the Fees Regulating Authority (constituted under section 11(2)(3)(4) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015) held on 13th January, 2022 in the Conference Hall, Room No. 305, Government Polytechnic Building, 49 Kherwadi, Ali Yawar Jung Marg, Bandra (E), Mumbai – 400 051.

Following were present:

| | | | |
|----|--|---|-------------|
| 1. | Hon'ble Justice V.L. Achliya (Retd.) | : | Chairperson |
| 2. | Dr. Vijay Vasant Khole, Ex-Vice Chancellor, Mumbai University. | : | Member |
| 3. | Shri. Manoj Damodar Chandak, Chartered Accountant | : | Member |
| 4. | Shri. Ratanakar (Shirish) Phadtare, Cost Accountant through video conferencing | : | Member |
| 5. | Shri. Dharmendra Dilip Mishra, Professional Educationist. | : | Member |
| 6. | Shri. L. S. Mali, IAS | : | Secretary |

Dr. K.D. Chavan, Registrar, Maharashtra University of Health Science, Nashik & Shri. Vishwajit Mahe IAS, Member Secretary of Maharashtra Council of Agricultural Education of Research, Pune (MCAER) the ex-officio members of the Authority, their presence is dispense for a day.

Dr. Abhay E. Wagh, The Director, Technical Education, Mumbai & Dr. Dhanraj Mane, The Director, Higher Education, Pune the ex-officio members of the Authority are absent.

Item No.1 :

To consider the proposals for fixation of fee for the academic year 2020-2021 & 2021-2022.

"Discussed.

The Authority has examined the proposals received from the Institutes / Colleges mentioned below seeking approval of fees for the academic year

2021-2022. After due consideration of the proposals, it was decided to approve the fee structure of the respective colleges/institutes as under;

Hotel Management & Catering Technology Courses

| Sr. No. | Code No. | Institute Name | Final Fee For AY 2021-2022 | |
|---------|----------|---|----------------------------|-----------------------|
| 1 | HM6540 | Maharashtra State Institute of Hotel Management & Catering Technology, Pune | HMCT | 84,000/- |
| | | | MHMCT | 84,000/- |
| 2 | HM4219 | Shri Balasaheb Tirpude College of Hotel Management & Catering Technology, Nagpur | HMCT | 91,000/- |
| 3 | HM4221 | Tuli College of Hotel Management, Nagpur | HMCT | 63,000/- |
| 4 | HM6543 | Sinhgad Institute of Hotel Management & Catering Technology, Lonavala-Pune | HMCT | 1,70,000/- |
| 5 | HM6541 | All India Shri Shivaji Memorial Society's College of Hotel Management Catering Technology, Pune | HMCT | 1,83,000/- |
| 6 | HM6542 | Dr. D.Y.Patil Institute of Hotel Management & Catering Technology, Tathawade, Pune | HMCT | 1,80,000/- |
| 7 | PL2508 | Gramin Shikshan Prasarak Mandal, Gramin Polytechnic, Vishnupuri, Nanded | HMCT | |
| | | | 2019-20 | 65,000/- Confirmed |
| | | | 2020-21 | 65,000/- Confirmed |
| | | | 2021-22 | 65,000/- |
| | | | D. Engg | No Upward Revision |

Polytechnic Course

| Sr. No. | Code No. | Institute Name | Final Fee For AY 2021-2022 | |
|---------|----------|--|----------------------------|----------|
| 21 | PL3255 | Mandar Education Society's Rajaram Shinde Institute of Engineering and Technology, Pedhambe, Ratnagiri | D. Engg | 20,000/- |

| Sr. No. | Code No. | Institute Name | Final Fee For AY 2021-2022 |
|---------|----------|--|---|
| 22 | PL6712 | Jai Bhavani Education Society, Rajiv Gandhi Polytechnic, Tal. Phaltan, Dist. Satara | D. Engg 38,000/- |
| 23 | PL6423 | Shri Jain Vidya Prasarak Mandal's Rasiklal M. Dhariwal Institute of Technology, Chinchwadgaon, Pune | D. Engg 49,000/- |
| 24 | PL6437 | Shree Vitthal Edu. and Research Institute, College of Engineering (Polytechnic), Gopalpur, Pandharpur | D. Engg 60,000/- (As demanded) |
| 25 | PL6225 | Dattajirao Kadam Technical Education Society's Textile & Engineering Institute, Ichalkaranji, Kolhapur | D. Engg 55,000/- |
| 26 | PL6435 | Zeal Education Society, Dnyanganga Polytechnic, Narhe Tal. Haveli, Pune | D. Engg 64,000/- |
| 27 | PL4601 | Guruvandan Mahila Kalyankari Bahuuddeshiya Mandal's Guru Sai Polytechnic College, Mauza Datala, Chandrapur | D. Engg 44,000/- |
| 28 | PL6451 | Samarth Rural Educational Institute's, Samarth Polytechnic, Pune | D. Engg 60,000/- |
| 29 | PL6403 | Lathe Education Society's Polytechnic, Sangli | D. Engg 60,000/- |

The fees as approved be communicated to the individual institutes/colleges. The Institutes/colleges be informed that if the fee approved by the Authority is not acceptable to them then individual institutes/colleges may file the Review Application with detailed reasons to review the fees approved. The Review Application be filed as per the procedure prescribed, within fifteen days from the date of communication of the decision/fees approved.

The fees as approved is the maximum fees that can be charged and recovered from the students by the respective colleges/institutes. The term fees has been define under section 2(g) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, the fees approved and includes tuition fee, gymkhana fee, examination fee, library fee, development fee, laboratory fee, information brochure fee,

the amount collected for any curricular or co-curricular activities and any other amount collected from the students, by whatsoever name and accepted in whichever manner, from the students/candidate admitted to professional courses by the Private Professional Educational Institution excluding any charges payable towards use of optional facilities such as hostel accommodation, mess charges and students insurance fees. Thus any amount accepted by the institutions in cash or kind, directly or indirectly in excess of fee approved by the Authority amounts to an Act of "profiteering" as defined under section 2(s) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 and liable for penal action as provided u/s 20 of the said Act of 2015.

It is expressly made clear that the fees proposals of Diploma in Engineering and Technology (Dip. Eng.), Diploma in Pharmacy (Dip. Pharm.) and Diploma in Hotel Management and Catering Technology are considered and decided by the Fees Regulatory Authority for the academic year 2021-2022 to avoid the inconvenience & hardship being caused to the Students & the Institutions. The Authority to regulate fees of such courses by the Fees Regulating Authority ceased to operate from the academic year 2018-2019, in view of Government Resolution dated 5/7/2018 issued by the Higher and Technical Educational Department, State of Maharashtra. By G.R. dated 5/7/2018 the said three Diploma Courses were deleted from the list of "professional courses" whose Admissions and Fees used to be regulated by the Admissions & Fees Authorities constituted under the provisions of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (hereinafter referred to as "the said Act 2015"). By virtue of said GR dated 5/7/2018 the Authority to regulate the Admissions and matters connected thereto vested with the Directorate of Technical Education from the academic year 2018-2019. In that view the Fees Regulating Authority ceased to have jurisdiction to deal and decide the fees proposals of said three Diploma courses.

The Fees Regulating Authority in its meeting held on 19/9/2018, considered the effect of GR dated 5/7/2018 & letter dated 11/9/2018 received from Association of Managements of Polytechnic Nashik, seeking clarification in the matter. The Authority has resolved as under:-

"On 5th July, 2018, the Government of Maharashtra, in Higher and Technical Education Department, issued notification in exercise of the powers conferred by sub sections (1) and (2) of section 3 read with clause (r) of section 2 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. Act No. XXVIII of 2015, thereby the Professional Education Diploma Courses mentioned in column (2) of Scheduled-A have been deleted from the definition of "Professional Education".

In view of the above, the Professional Courses:1) Diploma in Engineering and Technology, 2) Diploma in Pharmacy and 3) Diploma in Hotel Management and Catering Technology have been omitted from the definition of "Professional Education".

In view of the above this Authority ceased to have jurisdiction in the matter of deciding fee structure of the said courses".

The Copy of above quoted resolution was forwarded to Director, Directorate of Technical Education, Mumbai & Secretary Higher & Technical Education Department, Government of Maharashtra vide D.O. letter dated 19/9/2018 & 27/9/2018 respectively. Although the period of more than three years has lapsed the Directorate of Technical Education Mumbai failed to create mechanism to regulate and decide the fees of Institutions running said Diploma Courses. In absence of jurisdiction the Fees Regulating Authority cannot entertain & decide the proposals seeking approval of fees of said three Diploma courses.

Once the provisions of said Act of 2015 ceased to apply to said three Diploma Courses with effect from 5/7/2018 no direction can be issued u/s. 22 of said Act 2015 to Fees Regulating Authority to decide the proposals of fees of said three Diploma Courses. The first and foremost condition to invoke the powers u/s. 22 the provisions of said Act 2015 to be applicable to such course/courses. Since the provisions of said Act of 2015 ceased to apply to said courses w.e.f. 5/7/2018 any direction issued thereafter u/s. 22 of said Act 2015 cannot be enforced under law. The direction to be issued u/s. 22 of said Act of 2015 must be in consonance and in implementation of the provisions of the said Act 2015. Once the Authority to regulate the fees of said three Diploma Courses withdrawn by virtue of GR dated 5/7/2018 and the courses were put under the category of non Professional Courses, the Fees Regulating Authority cannot be directed to entertain and decide the fees

proposal relating to such courses. In that view the GR dated 30/10/2018 not only contrary to law but same is ab initio void.

It is not expected for any Statutory Authority like Fees Regulating Authority to act without the authority of Law and entertain and decide the fees proposal relating to said three Diploma Courses. In the larger interest of students and the institutions the Authority has entertained and decided the proposals under the expectation that the Directorate of Technical Education, Mumbai will make alternate arrangement. Although the period of more than three years has lapsed the Directorate of Technical Education, Mumbai has failed to provide mechanism to entertain and decide the fees proposals of said three Diploma Courses. It is therefore decided to clear the pending proposals of said three Diploma Courses upto academic year 2021-2022, in the larger interest of students and the institutions. It is further decided that no proposal seeking upward or no upward revision of fees in respect of said three Diploma courses be entertained and decided by the Fees Regulating Authority from the academic year 2022-2023 and onwards.

Inform to all concern. The minutes of meeting be forwarded to Principal Secretary Higher and Technical Education, Government of Maharashtra & the Director, Directorate of Technical Education Mumbai for information and necessary action.

Follow up action be taken accordingly".

Item No. 2 : **To consider the letters of request to allow to withdraw the fees proposals for the academic year 2021-2022.**

"Discussed.

The following colleges/institutes have requested to allow them to withdraw the proposal seeking upward revision of fees for the academic year 2021-2022.

| Sr. No. | Code | Institute Name | Final Fee For AY 2020-2021 |
|---------|----------|---|----------------------------|
| 1. | RANM0319 | Tirumala ANM School of Nursing, Hadgaon, Nanded | 75,000/- |
| 2. | RANM0007 | Tirumalla RANM Nursing School, Latur | 75,000/- |
| 3. | RGNM0061 | Dagdojirao Patil RGNM Nursing School, Hadgaon, Nanded | 70,000/- |

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Allowed to withdraw. In view of withdrawal of proposals seeking upward revision of fees for the academic year 2021-2022, the fees approved for the academic year 2020-2021 to apply to respective colleges/institutes for the academic year 2021-2022.

Follow up action be taken accordingly".

Date : 13th January, 2022

Place : Mumbai



**JUSTICE VIJAY L. ACHLIYA (RETD.)
CHAIRPERSON
FEES REGULATING AUTHORITY
STATE OF MAHARASHTRA**