

# **FEE REGULATORY COMMITTEE FOR MEDICAL EDUCATION IN KERALA**

**HEAD OFFICE:**  
T.C. 15/1553-4, PRASANTHI BUILDINGS,  
M.P. APPAN ROAD,  
VAZHUTHACAUD,  
THIRUVANANTHAPURAM - 695 014.  
PHONE: 0471-2335133  
FAX:0471-2335134

**CHAIRMAN**  
**JUSTICE R. RAJENDRABABU**  
  
MOBILE (OFFICE): +91 8547255133

**ERNAKULAM OFFICE:**  
**RAM MOHAN PALACE**  
**OLD HIGH COURT BUILDING**  
**ERNAKULAM - 682 031**  
PHONE/FAX : 0484 2394311.

**E-MAIL:**[justicerajendrababucommittee@gmail.com](mailto:justicerajendrababucommittee@gmail.com)

## **FRC 50/21/MBBS/AAMC**

MBBS Admission 2021-22- Regulation of Tuition fee, Special Fees and other fees in respect of Al Azhar Medical College and Super Speciality Hospital, Thodupuzha- Order issued on 25.12.2021

### **PRESENT**

- |   |                       |
|---|-----------------------|
| 1. Hon'ble Justice R Rajendrababu (Retd)                        | ➤ Chairman            |
| 2. Dr. Asha Thomas I A S<br>[Additional Chief Secretary, H&FWD] | ➤ Member<br>Secretary |
| 3. Sri. S. Suresh Babu<br>[Chartered Accountant]                | ➤ Member              |
| 4. Sri. P.P. Gopi<br>[Subject Expert]                           | ➤ Member              |

### **READ**

1. Lr.No. AFRC/FIN/20-21/001 dated 12.11.2020 from the CEO of the Al Azhar Medical College and Super Speciality Hospital, received in this office on 24.11.2020.
2. Communication No. FRC 50/21/PG/UG/MEDICAL/DENTAL/SFMDCK dated 16.09.2021 issued by the FRC.
3. Lr. No. Nil dated 21.09.2021 from the Al Azhar Medical College and Super Speciality Hospital, Thodupuzha.
4. Lr. No. AAMC/C/1/2021, from the Chairman of Al Azhar Medical College and Super Speciality Hospital.
5. Communication No. FRC 50/21/MBBS/AAMC dated 10.11.2021 issued by the FRC.
6. Lr. No. Nil dated 12.11.2021 from the Chairman of the Al Azhar Medical College & Super Speciality Hospital
7. Communication No. FRC 50/21/MBBS/AAMC dated 03.12.2021 issued by the FRC.
8. Hearing of the FRC with the representatives of the Al Azhar Medical College held on 14.12.2021

## ORDER

1. The CEO, Al Azhar Medical College and Super Speciality Hospital, Thodupuzha, in short the Medical College, through communication dated 12.11.2020, has submitted the fee proposal before the Fee Regulatory Committee for Medical Education in Kerala, herein after referred as the Committee, for regulation of tuition fee for the academic year 2021-22, without any supporting documents. The CEO of the Medical College has proposed an amount of Rs. 15,72,513/- (Rupees Fifteen Lakh Seventy two Thousand Five Hundred and Thirteen Only) for 85% seats and Rs. 25,00,000/- for 15% NRI quota seats for the academic year 2021-22. The proposal submitted by the CEO is not properly authenticated.
2. At the same time, the tuition fees fixed by this Committee in respect of the Medical College from the academic years 2017-18 to 2019-20 have been challenged before the Hon'ble High Court on various writ petitions and through common judgement dated 19.05.2020, the Hon'ble Court set aside the orders passed by the Committee and directed the Committee to regulate the tuition fee specifying certain fresh guidelines.
3. The above Court order was challenged by the State of Kerala before the Hon'ble Supreme Court in SLP (C) No. 9847- 9857/2020 & connected cases. In the petition seeking stay of the implementation of the above order passed by the Hon'ble High Court, the Hon'ble Supreme Court passed the following interim order  

*“In the meantime, if the Fee Regulatory Committee submits any report after remand, the same shall not be implemented.”*
4. In the meanwhile Lock-down was declared due to the COVID spread all over

the country and the process of admission for the academic year 2020-21 was extended to January 2021 due to the pandemic situation.

5. The priority was to regulate the tuition fee for the academic year 2020-21, as the MBBS admission procedure was started at the end of the year. Hence, the committee primarily considered the regulation of tuition fee for the academic year 2020-21.
6. In view of the above, the committee was constrained to decide to adopt the fee fixed for the academic year 2019-20 as the basis and to give an enhancement of 6.41% on the basis of the CPI, combined inflation rate for July 2020 as announced for the state of Kerala vide Government of India Ministry of Statistics and programme Implementation dated 13th August 2020 and to regulate the tuition fee for the academic year 2020-21 on the basis of the interim direction issued by the Hon'ble Apex Court and the consideration of wide spread of COVID-19 pandemic.
7. Accordingly, the Committee has passed a common order dated 04.11.2021 for regulating the tuition fee at Rs. 6,55,500/- in respect of the Al Azhar Medical College for the academic year 2020-21. The Committee has also made it specifically clear that the aforesaid order shall be subject to the final decision of the Hon'ble Supreme court in the pending cases viz. SLP (C) Nos.9659 of 2020 & Connected cases.
8. The Hon'ble Supreme Court by judgment dated 25.02.2021 in Civil Appeal No. 617 of 2021 has directed the Committee to expeditiously reconsider the proposals of the Private self-financing colleges for fee fixation from 2017-18 onwards. The Hon'ble Court has also directed the managements to furnish any information that is required for the purpose of arriving at a decision that the fee proposed by the managements is neither excessive nor exploitative nature. The Hon'ble Court further directed the committee that a

reasonable opportunity should be given to the managements of private self-financing colleges to substantiate their proposal for fee fixation and the entire exercise shall be completed within a period of three months from the date of the order.

9. The Hon'ble Supreme Court has given the guidelines also as to how the fee has to be fixed. The relevant portion of the judgment of the Hon'ble Supreme Court would read

It need not be reiterated that unaided professional institutions have the autonomy to decide on the fee to be charged, subject to the fee not resulting in profiteering or collection of capitation fee. Regulation of fee is within the domain of the Committee which shall ensure that the fee is non exploitative and reasonable. There is no need to repeat the judgments of this Court, especially P.A. Inamdar & Ors. (supra), which have been copiously referred to by the High Court in the 3 rounds of litigation to indicate the Principles to be followed for fixation of fee in private medical colleges. Suffice it to mention that the Committee shall reconsider the proposals of the managements for fee fixation 2017-18 onwards by taking into account the factors mentioned in Section 11 of the 2017 Act and the law laid down by this Court in Modern Dental College & Research Centre (supra)."

10. In compliance of the above court order, the Committee through communication dated 10.03.2021 has directed the Principal of the Medical College to submit certain specific documents to reconsider the fee proposal for the four academic years before the Committee on or before 19.03.2021 without fail.

11. The Committee meticulously scrutinized the documents submitted by the

Medical College and through communication dated 01.05.2021 has directed the Principal of the Medical College to submit information/clarification/documents/evidence for reconsidering the fee proposal as directed by the Hon'ble Apex Court. The Committee has also directed the Principal to depute an authorized person who is competent to provide the information sought for by the Committee.

12. In compliance of the above direction, Sri. Moosa, Chairman of the Medical College and Sri. Pradeep, Chief Executive Officer were present on 03.05.2021 as per the direction of the Committee. During the hearing, they have expressed that the particulars sought for by the Committee have already been provided in their earlier communications, and their stand has already been endorsed by the Chartered Accountant.
13. The representatives of the Medical College were heard in detail and the Committee decided to proceed with the reconsideration of the fee proposal with the documents already submitted and in the light of the Hon'ble Supreme Court directions.
14. In the meanwhile, the Principal of the Medical College through communication dated 20.11.2021 has submitted a representation before the committee stating that a reconsideration of the fee proposal was not necessary and they are ready to continue with the fee fixed by the Committee from the academic year 2017-18 onwards, considering the present financial constraints, the public is facing due to the pandemic Covid 19.
15. The representation of the Medical College has been placed before the

committee in meeting held on 20.11.2021 for a detailed deliberation. Accordingly, the committee discussed the matter put forth by the management and decided to accept the request of the Medical College to confirm the tuition fee earlier regulated & fixed by the committee in respect of Al Azhar Medical College and Super Speciality Hospital, for the academic years from 2017-18 to 2020-21. Accordingly, the Committee issued an order dated 22.11.2021 confirming the tuition fee as already fixed by the Committee for the academic years 2017-18 to 2020-21.

16. The meeting of the Committee held on 08.09.2021, discussed the matter relating to the fee regulation for the academic year 2021-22 and decided to call for the relevant documents along with the fee proposal from the Self Financing Medical Colleges to regulate the tuition fee for the academic year 2021-22.
17. Accordingly, the Committee through communication dated 16.09.2021 was directed to submit two copies of the relevant documents, as mentioned in the communication, to submit before the Committee along with the fee proposal on or before 22.09.2021 for regulating the tuition fee for the academic year 2021-22.
18. In compliance of the above direction, the Finance Manager of the Medical College through communication dated 21.09.2021, has submitted the relevant documents as called for by the Committee for regulation of the tuition fee in respect of MBBS Course for the academic year 2021-22.
19. At the same time, on 25.10.201, the Chairman of the Medical College has submitted the statement of expenditure in respect of additional recurring and capital expenditure to be incurred by the Medical College as per the requirement of the NMC regulation. Therefore, the Chairman of the Medical College has requested the Committee to consider the above expenditure

while regulating the tuition fee for the academic year 2021-22.

20. After preliminary scrutiny of the documents submitted by the Medical College, the Committee decided to give an opportunity for hearing the Medical College in connection with the regulation of tuition fee for the academic year 2021-22. Accordingly, through communication dated 10.11.2021, the Principal of the Medical College was directed to depute a competent person to attend the hearing held on 16.11.2021 through Google Meet.
21. But the Principal of the Medical College through communication dated 12.11.2021 has submitted that they have challenged the power of the Committee to regulate the fees for the academic year 2021-22 at a belated stage, and Since a case is pending before the Hon'ble High Court and the same is posted on 23.11.2021 for hearing and also submitted that it is not appropriate for them to attend the hearing before the decision of the Hon'ble Court. Therefore, the Committee has adjourned the hearing after 23.11.2021.
22. Thereafter, the Committee through communication dated 3.12.2021 has requested the principal of the Medical College to attend the hearing on 14.12.2021 through Google Meet in connection with the regulation of tuition fee for MBBS Course for the academic year 2021-22.
23. In compliance of the above direction, the following representatives of the Medical College were present on authorisation from the Principal.

<b>SL NO</b>	<b>NAME OF THE REPRESENTATIVE</b>	<b>DESIGNATION</b>
1.	SRI. K.M. MOOSA	DIRECTOR
2.	SRI. PRADEEP KUMAR	CHIEF EXECUTIVE OFFICER



24. During the hearing, The representatives of the medical college have submitted that they have already submitted the documents, as per the direction of the Hon'ble High Court judgment. They have also stated that the audited statements for the financial year 2020-21 was also provided. They have proposed an amount of Rs.12 Lakh for 85 % management seats and Rs. 20 lakh for NRI seats. They submitted that their hospital has been taken by the Government as COVID hospital and the income was very low. The reason for demanding the proposed fee was due to the increase in expenditure due to the norms of the National Medical Council requirement and they are facing much difficulty to run the medical College with the fee fixed by the FRC.
25. On scrutiny of the documents so far submitted by the Medical College, it is found that the medical college has not submitted all the required documents, as specifically mentioned in the communication dated 16.09.2021, for the fee regulation for the academic year 2021-22. The Committee further observe that the observations already made by the committee in the fee regulation of previous academic years i.e. 2017-18 to 2020-21, as per Hon'ble Supreme court judgment dated 25-02-2021, continue to persist in the accounts of the medical college submitted for the regulation of tuition fee for the academic year 2021-22 also. At the time of fee regulation the Committee has given a detailed notice to clarify about certain items having exorbitant amounts identified by the committee. But the Medical College has submitted a vague reply in pursuance of the above notice and failed to explain/clarify exorbitant items sought for by the Committee. Thereafter, the committee had regulated the tuition fee for the academic years 2017 -18 to 2020-21, as per the consensus letter issued to the committee by the medical college stating that they are ready to continue with the fee fixed by the Committee from the academic year 2017-18 -2020-21 and fixed the tuition fee at Rs.6,55,500/- for the academic year 2020-21.



26. The Committee has gone through the communication dated 25.10.2021 of the Chairman, Al Azhar Medical College, which would read as:

*As the Regulations now stand, every Medical College, from this year onwards, have to engage additional faculty and provide extra infrastructural facilities for which the college is to invest more funds both in the form of Capital cost and recurring expenses.*

27. Though the Medical College has given the details of the proposed expenditure before the Committee, the committee observe that the above expenditure will be reflecting only in the books of accounts for the financial year 2021-22 and subsequent years. Hence, the return of investments on the above expenditure can be factored only from the next academic year i.e. 2022-23 onwards. Moreover, the whole expenditure following the NMC guidelines cannot be factored on a single batch of students.

28. After scrutiny of the submitted documents, the Committee has also found that the statement of accounts produced by the Medical College did not disclose any additional expenditure as contemplated by the amended regulations of the National Medical Council as claimed by the management before the Committee during the hearing.

29. In view of the above circumstances, the Committee has decided to fix the fee after allowing the Consumer Price Index (CPI), the combined inflation index applicable for the State of Kerala for the relevant month and also considering the facts that the Medical College might have met recurring expenditure in pursuance of the guidelines to the extent, as per the amended NMC regulation, the Committee decided to give an enhancement of the tuition fee @ 6% on the tuition fee fixed for the academic year 2020-21, which includes the Consumer Price Index 3.86 % as applicable, as per the notification dated 13<sup>th</sup> September 2021 issued by the Ministry of Statistics and Programme Implementation National Statistical Office.

30. The 6 % increase allowed by the FRC will be a reasonable fee .Tuition fee alone in not the liability of the students they has to pay the special fee and also the hostel fee. The sum total of the above is the liability of the students'. On adding 6% to the tuition fee the grand total would come to Rs.878593/-per annum. Any further amount in the nature of circumstances may amount to exclusive or exploitative.

SL NO	PARTICULARS	AMOUNT (RS)
01	TUITION FEE FOR THE ACADEMIC YEAR 2020-21	6,55,500
02	ADD 6% INCREASE AS DISCUSSED ABOVE	39,330
03	TOTAL TUITION FEE FOR THE ACADEMIC YEAR 2021-22	6,94,830

31. In view of the above, the Committee here by fix the tuition fee at an amount of Rs. 6,94,830/- in respect of Al Azhar Medical College and Super Speciality Hospital, Thodupuzha, for the 85% seats during the academic year 2021-22. The Committee also decide that no increase of special fee, hostel fee and NRI fee need be allowed during this academic year 2021-22. The details special fee and other fees are given hereunder.

<b>AL AZHAR MEDICAL COLLEGE AND SUPERSPECIALITY HOSPITAL</b>		
<b>TUITION FEE &amp; OTHER FEES DETAILS FOR THE ACADEMIC YEAR 2021-22</b>		
SL NO	PARTICULARS	AMOUNT (Rs)
1	TUITION FEE FOR 85% SEATS	6,94,830
2.	TUITION FEE FOR 15% SEATS	20,00,000
2	SPECIAL FEE FOR THE 1 <sup>ST</sup> YEAR	73,593
3.	SPECIAL FEE FOR THE REMAINING YEARS [2 <sup>ND</sup> , 3 <sup>RD</sup> , 4 <sup>TH</sup> & 5 <sup>TH</sup> ]	46,319
4.	HOSTEL FEE FOR 1 <sup>ST</sup> YEAR	1,10,200
5.	HOSTEL FEE FOR THE REMAINING YEARS [2 <sup>ND</sup> , 3 <sup>RD</sup> , 4 <sup>TH</sup> & 5 <sup>TH</sup> ]	1,04,700

32. The Principal of the Al Azhar Medical College and Super Speciality Hospital, Thodupuzha is hereby permitted to collect the aforesaid amount only from the MBBS candidates for the academic year 2021-22.
33. Email this copy of the order to the Government of Kerala and the Principal of the Al Azhar Medical College and Super Speciality Hospital, Thodupuzha. The Government of Kerala shall notify the fee structure in respect of Al Azhar Medical College and Super Speciality Hospital, Thodupuzha for the academic year, as per the section 9 (2) of Act 15 of 2017.

Dated on this the 25<sup>th</sup> day of December 2021

**Sd/-**

**CHAIRMAN**

