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GOVERNMENT OF KERALA  
Abstract

2378/18  
12/06/18



Health & Family Welfare Department - Academic - Admission to MBBS Course in Private Self Financing Medical Colleges in the State - Scholarship scheme to provide financial assistance to BPL students to meet the tuition fee fixed by the Committee empowered to regulate fee structure - Regulations-Orders issued.

**HEALTH & FAMILY WELFARE (S) DEPARTMENT**

G.O.(Ms) No.107/2018/H&FWD Dated,Thiruvananthapuram, 06.06.2018.

- Read:-1) Judgment dated 12.08.2005 of Hon'ble Apex Court of India in P A Inamdar and others Vs State of Maharashtra [ (2005) 6 SCC 537]
- 2) Letter No. 316/18/ASC/HO dated 23.02.2018 from the Chairman, Admission and Fee Regulatory Committee for Medical Education.

**ORDER**

Till the academic year 2016-17, the students especially those belonging to BPL category admitted in MBBS course in Self Financing Medical College had the opportunity to prosecute their medical education in a comparatively low fee structure in virtue of the agreement executed between Government and Management regarding fee structure and seat sharing.

2. The Hon'ble High Court as per judgment dated 02.11.2017 in WP(C) No. 30032/2017 held section 17 of Act 15 of 2017 which provides for execution of agreement, with management of self financing medical educational institutions, unenforceable and ultra vires. This led to the admission procedures on a different footing from the academic year 2017-18 onwards wherein all category of students admitted to MBBS Course shall have to pay the tuition fee at the rate fixed by the Committee empowered therefor.

3. In the judgment read above, the Hon'ble Apex Court held as follows:-

“the amount of money, in whatever form collected from such NRIs, should be utilised for benefiting students such as from economically weaker sections of the society, whom, on well-defined criteria, the educational institution may admit on subsidized payment of their fee. To prevent misutilisation of such quota or any malpractice referable to NRI quota seats, suitable legislation or regulation is to be framed. So long as the State does not do it, it will be for the Committees constituted pursuant to Islamic Academy's direction to regulate.”

The same has also been pronounced in the Hon'ble Supreme Court order dated 22.08.2017, in W.P(C) No. 689/2017 filed by Consortium of Deemed Universities in Karnataka and Another Vs Union of India and others.

4. Accordingly, Admission and Fee Regulatory Committee have constituted a corpus fund for providing scholarship to students belonging to BPL category admitted to MBBS course in Self Financing Medical Colleges. The mainstay of the corpus fund shall be the amount earmarked by the Admission and Fee Regulatory Committee from time to time from each admission under **NRI Category** to MBBS Course in the Self Financing Medical Educational Institutions.

5. Having regard to the facts and circumstances detailed above, Government are pleased to issue the regulations for the scholarship scheme which envisages to provide financial assistance to BPL students admitted to MBBS course in self financing medical educational institutions in the State, as annexed to this Order.

(By Order of the Governor)  
**RAJEEV SADANANDAN**  
**ADDITIONAL CHIEF SECRETARY.**

To

The Director of Medical Education, Thiruvananthapuram.

✓ The Commissioner for Entrance Examination, Thiruvananthapuram.

The Chairman, Admission and Fee Regulatory Committee,  
Thiruvananthapuram.

All District Collectors.

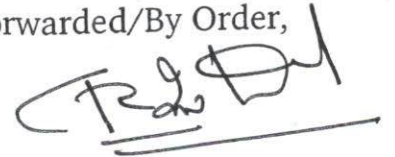
The Principal, All Self Financing Medical Colleges(through CEE).

The Principle Accountant General (A&E/Audit), Kerala,  
Thiruvananthapuram.

The Information Officer, Web & New Media, I&PR Department.

Stock File/Office Copy.

Forwarded/By Order,



Section Officer.

2