

ADMISSION SUPERVISORY COMMITTEE FOR PROFESSIONAL COLLEGES IN KERALA

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PROCEEDINGS OF THE CHAIRMAN ADMISSION SUPERVISORY COMMITTEE

PRESENT:

- | | |
|-------------------------------------|------------|
| 1. Hon'ble Justice R. Rajendra Babu | - Chairman |
| 2. Sri. Rajeev Sadanandan I A S | - Member |
| 3. Sri. P. K Sudheer Babu I A S | - Member |

The admission of the 150 students to the MBBS course for the academic year 2016-17 of Kannur Medical College was rejected by the Admission Supervisory Committee due to patent irregularities committed by the management in the admissions. The above order was challenged by the Kannur Medical College before the Hon'ble High Court by filing W.P (C) Nos. 30697 of 2016 & 32186 of 2016 and the Hon'ble High Court have upheld the order of this Committee and dismissed the above Writ Petitions. Though the above order was challenged before the Hon'ble Supreme Court by the Kannur Medical College, the SLP also was dismissed and the order of this Committee was again upheld. Thereafter, the Government of Kerala issued an Ordinance (Ordinance 34 of 2017) for regularizing the admission of the above students i.e. 2016-17

batch MBBS students of Kannur Medical College. The above ordinance was challenged before the Hon'ble Supreme Court by the Medical Council of India and the Hon'ble Supreme Court passed an order staying the ordinance and above matter is pending before the Apex Court.

In the above circumstances, 9 students of the Kannur Medical College (2016 – 17 batch) filed complaints before the Admission Supervisory Committee for directing the Kannur Medical College to return the fee remitted at the time of admission. The above complaints would reveal that in most of those cases the college had collected huge amounts i.e. amounts ranging from Rs.22 lakhs to Rs.41.17 lakhs, from the students, towards fee. The annual tuition fee as per the prospectus was Rs.10 lakhs. The collection of such huge amount was in excess of the 1st year tuition fee, and could be construed as collection of capitation fee as per Section 6(5) of the “Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Act, 2006(Act 19 of 2006) and also under Section 8 (3) of the Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Act, 2017 (Act 15 of 2017).” As per the direction issued by the Committee, the Kannur Medical College had paid almost the entire amount to the above students in above cases.

Thereafter 28 students filed complaints for directing the college to return the fee collected from them by the

college. In the above cases also, the claims put forward by the complainants were ranging from Rs.20 lakhs to Rs.50 lakhs. In certain cases, the college had collected bank guarantee also for securing the future payments. In most of those cases also, the college collected amount much more than the 1st year fee and thereby the collection of such huge amount could be construed as collection of capitation fee. In the above case, the Committee passed an Interim Order dated 25.06.2018 directing the college to produce the D D for the undisputed amount and the matter was posted for hearing on 12.06.2018, 19.06.2018, 25.06.2018, 02.07.2018, 10.07.2018 & 19.07.2018. On 19.07.2018, the learned counsel for the medical college requested for time and accordingly, the complaints were adjourned to 27.07.2018.

The parents of the above students submitted that they have already arranged admissions to their wards in different other medical colleges anticipating the repayment of the amount paid to the Kannur Medical College and they are in dire need of money for securing admission to their children. Accordingly, the college was directed to pay atleast a portion of the amount. But the college did not pay the amount and requested for time and the matter has been posted on 10.07.2018 and 19.07.2018. Yet the college did not care to pay any amount. The parents of the above students submitted that their children had lost their valuable 2 years and if the money is not received in a short time, the students may lose one more year. They submitted that coercive steps also will have to be taken against the college. Accordingly, the College was directed to pay one half of the amount claimed by the complainants by 27.07.2018 and the college was

directed to file a statement on 20.07.2018. But the college filed a statement to the effect that the amount can be fixed on 27.07.2018. Today, the Principal in charge through communication dated 25.07.2018 has sought for an adjournment for the hearing on 27.07.2018. The request of the Principal in charge for adjournment is rejected by the Committee.

In the above circumstances, the Committee finds it just, fair and proper to invoke sub section 8 of section 4 of Act 19 of 2006 and to recommend the Kerala University of Health Sciences to withdraw the affiliation/ recognition of the Kannur Medical College, Anjarakandy for the year 2018-19.

Accordingly, the Committee recommend the Kerala University of Health Sciences to withdraw the affiliation / recognition of Kannur Medical College for the academic year 2018 -19.

Dated on this the 25th day of July 2018

**Sd/-
CHAIRMAN**