

Case :- MISC. BENCH No. - 8323 of 2010

Petitioner :- Rashida Begum Muslim Mahavidyalaya J.P.Nagar
Through Its

Respondent :- State Of U.P.Through Its Prin. Secy. Higher
Education U.P.

Petitioner Counsel :- Sanchit S. Asthana

Respondent Counsel :- C.S.C.,C.B.Pandey,S.P.Shukla,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 7532 of 2010

Petitioner :- St.Andrew'S College Near Betia Hata Chauraha
Civil Lines

Respondent :- State Of U.P.Thorough Prin. Secy. Higher
Education Civil Sect

Petitioner Counsel :- Padmesh Jain

Respondent Counsel :- C.S.C.,S.P.Shukla,Sandeep Dixit,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 7530 of 2010

Petitioner :- St. John'S College M.G. Road Agra Through Its
Principal/Secy

Respondent :- State Of U.P.Thorough Prin. Secy. Higher
Education Civil Sect

Petitioner Counsel :- Padmesh Jain

Respondent Counsel :- C.S.C.,S.P.Shukla,Shishir Jain,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 7550 of 2010

Petitioner :- Karamat Hussain Muslim Girls P.G. College
Lko.Through Its

Respondent :- State Of U.P.Thorough Its Prin. Secy. Higher
Education Lko.An

Petitioner Counsel :- Mukund M.Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,Vinay Bhushan

and

Case :- MISC. BENCH No. - 7678 of 2010

Petitioner :- Nayab Abbasi Girls [P.G.]College Kailsa Road
J.P.Nagar

Respondent :- State Of U.P. Through Its Principal Secy.Higher
Edu.Lucknow

Petitioner Counsel :- Mukund M.Asthana

Respondent Counsel :- C.S.C.,C.B.Pandey,S.P.Shukla,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 7664 of 2010

Petitioner :- Sri Vimal Nath Shiksha Prashikshan Mahila
Mahavidyalaya

Respondent :- State Of U.P. Through Its Principal Secy.Higher
Edu.Lucknow

Petitioner Counsel :- Mukund M.Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,S.P.Singh,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 7663 of 2010

Petitioner :- Regency Teachers Training College Sitapur And
Others

Respondent :- State Of U.P. Through Its Principal Secy.Higher
Edu.Lucknow

Petitioner Counsel :- Mukund M.Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,S.P.Singh,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 7660 of 2010

Petitioner :- Sir M.U.Degree College Ganj Dundwara Road
Sahawar Etah & Ors

Respondent :- State Of U.P.Through Its Principal Secy.Higher
Edu.Lucknow

Petitioner Counsel :- Mukund M.Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,Shishir Jain,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 8151 of 2010

Petitioner :- Deoband College Of Higher Education
Saharanpur Thorough Its

Respondent :- State Of U.P.Through Its Prin. Secy. Higher
Education Civil

Petitioner Counsel :- Mukund M.Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,Vinay
Bhushan,W.U.Ahmad

and

Case :- MISC. BENCH No. - 8325 of 2010

Petitioner :- Babu Kamta Prasad Jain Mahavidyalaya Baghpat
Through Its

Respondent :- State Of U.P.Through Its Prin. Secy. Higher
Education U.P.

Petitioner Counsel :- Sanchit S. Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,Vinay
Bhushan,W.U.Ahmad

and

Case :- MISC. BENCH No. - 2804 of 2009

Petitioner :- Babu Kamta Prasad Jain Mahavidyalaya Delhi
Road Baraut

Respondent :- State Of U P Thr.Its Prin Secy Higher
Education Civil

Petitioner Counsel :- M M Asthana

Respondent Counsel :- C.S.C,W U Ahmad

and

Case :- MISC. BENCH No. - 5998 of 2009

Petitioner :- Translam College Of Education,

Respondent :- State Of U.P.,Thru.Principal Secretary,Higher
Education,

Petitioner Counsel :- M.M.Asthana

Respondent Counsel :- C.S.C.,Shishir Jain,Vinay
Bhushan,W.U.Ahmad

and

Case :- MISC. BENCH No. - 6161 of 2009

Petitioner :- Babu Kamta Prasad Jain Mahavidyalya Delhi
Road Baraut

Respondent :- State Of U P Thr.Prin Secy Higher Education
Civil Sectt.Lko

Petitioner Counsel :- M M Asthana

Respondent Counsel :- C.S.C.,Sishir Jain,Vinay Bhusan,W U
Ahmad

and

Case :- MISC. BENCH No. - 5657 of 2009

Petitioner :- Islmia Degree College,Vill And Post Deoband
Distt.Sahranpur

Respondent :- State Of U P Thr.Prin Secy Higher Education
Civil Sectt Lko.

Petitioner Counsel :- Mukund M Asthana

Respondent Counsel :- C.S.C,Shishir Jain,W U Ahmad

and

Case :- MISC. BENCH No. - 9252 of 2010

Petitioner :- Waseem Turki Muslim Degree College Through
Its Manager

Respondent :- State Of U.P.Thorough Its Prin. Secy. Hihger
Education Civil

Petitioner Counsel :- M.M.Asthana

Respondent Counsel :- C.S.C.,C.B.Pandey,S.P.Shukla,Vinay
Bhushan

and

Case :- MISC. BENCH No. - 3398 of 2009

Petitioner :- Karamat Husain Muslim Girls Degree College
Thru Manager/Secy

Respondent :- State Of U.P. Thru Secy. Higher Education &
Others

Petitioner Counsel :- Sandeep Dixit

Respondent Counsel :- C.S.C.,U.N. Mishra

and

Case :- MISC. BENCH No. - 11445 of 2008

Petitioner :- Devband College Of Higher Education Devband
Thru Secy.

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education
& Others

Petitioner Counsel :- Mukund M. Asthana

Respondent Counsel :- C.S.C.,W.U. Ahmed

and

Case :- MISC. BENCH No. - 2476 of 2009

Petitioner :- Nayab Abbasi Girls Degree College, J.P. Nagar
Thru Principal

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education
& Others

Petitioner Counsel :- Mukund M. Asthana

Respondent Counsel :- C.S.C.,C.B. Pandey

and

Case :- MISC. BENCH No. - 3698 of 2009

Petitioner :- Rashida Begum Muslim Mahavidyalaya Pakka
Bagh Bijnore

Respondent :- State Of U P Thr.Prin Secy Higher Education
Civil Sectt.Lko

Petitioner Counsel :- Mukund Madhav Asthana

Respondent Counsel :- C.S.C.,C B Pandey,Ravi Kumar Misra

and

Case :- MISC. BENCH No. - 5646 of 2009

Petitioner :- Hashmi Girls Degree College Hashmi Nagar
Amroha Distt

Respondent :- State Of U P Thr.Prin Secy Higher Education
Civil Sectt Lko.

Petitioner Counsel :- Mukund M Asthana

Respondent Counsel :- C.S.C,C B Pandey,Shishir Jain

and

Case :- MISC. BENCH No. - 5800 of 2009

Petitioner :- Dr. A.H.Rizvi Degree College Through Its
Manager

Respondent :- State Of U P Thr.Prin Secy Higher Education
Lko.

Petitioner Counsel :- M.M.Asthana

Respondent Counsel :- C.S.C.,Shishir Jain

and

Case :- MISC. BENCH No. - 6096 of 2009

Petitioner :- Nayab Abasi Girls Degree College,Kailsa Road
Amroha

Respondent :- State Of U P Thr.Prin Secy Higher Education
Civil Sectt.Lko.

Petitioner Counsel :- M M Asthana

Respondent Counsel :- C S.C.,C B Pandey,Shishir Jain,Vinay
Bhosan

and

Case :- MISC. BENCH No. - 3518 of 2009

Petitioner :- Sir M.U. Degree College, Ganjdundwara Road
Etah Thru Secy.&

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education
& Others

Petitioner Counsel :- Mukund M. Asthana

Respondent Counsel :- C.S.C.

and

Case :- MISC. BENCH No. - 2046 of 2011

Petitioner :- Translam College Of Education Meerut Through
Its

Respondent :- State Of U.P.Through Its Prin. Secy. Higher
Education Civil

Petitioner Counsel :- Mukund Madhava Asthana

Respondent Counsel :- C.S.C.,S.P.Shukla,Vinay
Bhushan,W.U.Ahmad

and

Case :- MISC. BENCH No. - 11948 of 2009

Petitioner :- Avadh Centre Of Education For Women, Karja
Kamariyawah

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education
& Ors.

Petitioner Counsel :- Ashish Verma, Ashish Pandey

Respondent Counsel :- C.Sc., Sandeep Dixit, Shishir Jain

and

Case Misc. Bench No. 7404 of 2010

Petitioner Jain Balika Vidyapeeth and another

Vs

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education
& Ors.

Petitioner Counsel Sri M.M. Asthana,

Respondent Counsel C.S.C., Sri S.P. Shukla, Sri Vinay Bhusan

Sri W.U. Ahmad

and

Case Misc. Bench No. 8087 of 2010

Petitioner : Islamiya Degree College

Vs.

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education
& Ors.

Petitioner Counsel Sri M.M. Asthana,

Respondent Counsel C.S.C., Sri S.P. Shukla, Sri Vinay Bhusan

Sri W.U. Ahmad

and

Case Misc. Bench No. 7675 of 2010

Swami Vivekanand Mahila Mahavidyalaya

Vs.

Respondent :- State Of U.P. Thru Prin. Secy. Higher Education

Petitioner Counsel Sri M.M. Asthana,

Respondent Counsel C.S.C., Sri S.P. Shukla, Sri Vinay Bhusan

Hon'ble Pradeep Kant,J

Hon'ble Ritu Raj Awasthi,J.

This bunch of writ petitions filed by private unaided minority institutions challenge the fixation of fee for B.Ed. Courses by the State Government. The State Government exercised its power under the provisions of The Uttar Pradesh, Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2006 . The aforesaid Act regulates the admission and also the fee to B.Ed. Course in private unaided colleges. Section 10 of the Act provides for the determination of fee by the Committee constituted under the Act.

The State Government has issued orders from time to time and lastly the Government issued an order on 14.7.2011, which determines the fee for B.Ed. Courses to be charged by all private unaided institutions both minority and non-minority imparting said courses to the tune of Rs.51,250/ and odd. The Fee Committee has determined the fee on 8.7.2011 . Final determination of fee is still to be done by the State Government.

Learned counsel for the petitioners submitted that in view of Section 2 of the Act the provisions of said Act are not applicable in the case of minority institutions and, therefore, the State Government did not have any authority to get the fee determined in regard to minority institutions by the committee constituted under the provisions of the said Act.

We put on record that the constitution of the Committee by the State Government for determining the fee for B.Ed. Course in all private unaided institutions is under challenge in various writ petitions but the plea aforesaid is available only to the minority institutions , therefore, the case of non-minority institutions will be considered in the writ petitions filed by them and not in this order.

Section 2 of the Act reads as under;

“ This Act shall be applicable to the private aided or unaided professional educational institutions ,

excluding minority Institutions. “

There remains no doubt that the Act excludes its applicability to all minority aided or unaided institutions.

Therefore, neither the State Government nor its committee constituted by the Act would be competent to determine the fee for such institutions either interim or final .

Shri D.K. Upadhaya, learned Chief Standing Counsel says that in view of the aforesaid specific provisions, the impugned order will not be applicable in the case of minority institutions. That being so, we quash the order dated 27.6.2008 in so far as it relates to minority institutions and direct that Government Orders in regard to the determination of fee made by the Committee on 8.7.2011 shall not be applicable in the case of minority institutions both aided and non- aided ,who will be free to determine the fee reasonably in accordance with Rules, if any.

The petitions are disposed of.

20.7.2011

Tripathi