



FEES REGULATING AUTHORITY

Maharashtra Unaided Private Professional Educational Institutions
(Regulations of Admission and Fees)

”शिक्षण-नव्वेव्यवसाय -ज्ञान यज्ञ”

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NOTICE

The Fees Regulating Authority in its meeting held on 13th January 2022 considered the effect of the Government notification bearing no. MISC-2015-C.R.252-TE-4 and the Government G.R. bearing no. 2015-C.R.252-TE-4 dated 5th July 2018 issued by the Higher and Technical Education Department, Mantralaya, Government of Maharashtra. By Government notification dated 5th July 2018, the Government was pleased to amend Government notification no. TEM-2018-C.R.27-TE-4 dated 19th May 2018 and deleted the Professional Educational Diploma Courses from Schedule A appended to the notification dated 19th May 2018. Further by the Government G.R. dated 5th July 2018 bearing no. 2015-C.R.252-TE-4 issued by the Higher and Technical Education Department, Mantralaya, Government of Maharashtra, pleased to vest the Authority to regulate the admissions of Diploma in Engineering, Diploma in Pharmacy and Diploma in Hotel Management and Catering Technology with the Directorate of Technical Education, Maharashtra State from the academic year 2018-2019. In consequence of said notification dated 5th July 2018, the provisions of The Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, ceased to apply to Professional Educational Diploma courses w.e.f. from 5th July 2018. On implementation of G.R. dated 5th July 2018, the powers to regulate the admissions and matter incidental thereto including determination of fees of said Diploma Courses versted with the Directorate of Technical Education, Maharashtra State.

In the meeting of the Fees Regulating Authority held on 13th January 2022, on due consideration of the above-referred Government notification and G.R. dated 5th July 2018, as well as the Government G.R., dated 30th October 2018, the Authority has resolved as under:

"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".

In view of Government Notification and G.R. dated 5th July 2018, the Authority to regulate the admissions and matters incidental thereto including the determination of reasonable fees of said Diploma Courses vest with the Directorate of Technical Education, Mumbai, and the Authority to regulate the admissions and fees of Profesional Educational Diploma Courses ceased to operate from the academic year 2018-2019 & onwards.

In view of the decision taken by the Fees Regulating Authority in its meeting held on 13th January 2022, not to entertain the proposal seeking approval of fees from the academic year 2022-2023 in respect of above referred three Diploma Courses run by Unaided Private Profesional Educational Institutions, the concern colleges/institutes are requested to take note of said decision and act accordingly.

By Order



**Under Secretary,
Fees Regulating Authority, Mumbai**

Date: 01/04/2022