



2026:AHC:59038

Reserved on 19.03.2026
Delivered on 23.03.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 6784 of 2026

Krishna Mohan Medical College and Hospital

.....Petitioner(s)

Versus

State of Uttar Pradesh and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ravi Shanker Pathak
Counsel for Respondent(s)	: C.S.C.

In Chamber

HON'BLE KSHITIJ SHAILENDRA, J.

1. This writ petition has been filed by Krishna Mohan Medical College and Hospital challenging the order dated 28.03.2025 passed by respondent no. 2, which is in the form of an Office Memorandum setting aside a previous notification dated 05.02.2025 issued by the State Government.

2. An amendment application has been filed seeking to add a prayer to issue a direction to respondents no. 3 and 4 to decide the final fees of MBBS course of academic session 2019-20, having course duration of 4.5 years as per statutory provisions of the Act, 2006 so that the entire controversy may be adjudged properly and effectively.

3. Learned counsel for the petitioner has made submissions that the petitioner being governed by the provisions of U.P. Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee)

Act, 2006 ('the Act'), fees can be fixed by a Fees Fixation Committee as per the provisions under Section 10 of the Act. It is contended that the Medical Council of India ('MCI') granted permission to the petitioner college to enroll students for the session 2016-17. At that time, a Government Order/communication dated 14.07.2017 was issued communicating the Director General of Medical Education and Training U.P., Lucknow that, based upon the meeting dated 13.07.2017 held by Fees Fixation Committee, approval had been granted by the Governor to fix fees of medical students in respect of 23 colleges with a direction that for those institutions, which have been debarred from taking admission of students for further sessions, fees from students already studying in the institutions shall be charged for the sessions 2017-18, 2018-19 and 2019-20.

4. It is further submitted that since the seats are filled up under the permission granted by MCI and the petitioner had no independent right to take admission at its own, it did not participate in the proceedings leading to passing of the Government Order/communication dated 14.07.2017 and, therefore, the fees fixed under the said communication was not applicable for the petitioner-institution. It is further submitted that a Government Order/communication was issued on 01.07.2019 indicating that a proposal qua fixation of fees of certain medical colleges including that of the petitioner for the session 2019-20, was received and the Government decided that, as an interim measure, fees applicable for the previous session (2018-19) be fixed.

5. It is further submitted that certain writ petitions were filed in relation to the controversy involved and, ultimately, the matter reached before the Appellate Authority, under Section 11 of the Act. The appeal filed by the petitioner in the year 2019 was allowed on 24.10.2024 and orders dated 14.07.2017 and 01.07.2019 were set aside. The Appellate Authority, to avoid uncertainty, clarified that if the Committee failed to determine the fee of impugned session within stipulated time of four weeks, the appellant-petitioner would be free to realise the fee of Rs.

11.30 lacs per student as an interim measure, subject to final determination of the fee as fixed by the Committee.

6. Further submission has been made that, based upon the order of the appellate authority, an office order dated 29.11.2024 was issued by the petitioner calling upon the students to deposit difference of amount of fees, i.e., a sum of Rs. 2.80 lacs so as to make it Rs. 11.30 lacs as per the order of the appellate authority. Submission is that the appellate order dated 24.10.2024 was set aside by this Court by order dated 24.01.2025 passed in Writ-C No. 888 of 2025 (Aaghaz Khan and 95 others Vs State of U.P. and 4 others), preferred at the instance of students and the said order was affirmed from the Hon'ble Supreme Court, where the SLP No. 10978 of 2025 filed by the petitioner was dismissed on 15.09.2025, however the same would not come in the way of the petitioner in claiming reliefs.

7. It is further contended that, in the meantime, a notification dated 05.02.2025 was issued granting approval to fix Rs. 11.50 lacs per student in furtherance of order of the appellate authority dated 24.10.2024 however, the same has been set aside by the order/notification dated 28.03.2025 impugned in the present writ petition. Submission is that till today, the directions of the appellate authority for re-determination of fees have not been followed and, even if the order of the appellate authority has been set aside by this Court, since, as of now, no re-determination of fees has taken place, the writ petition be allowed setting aside the order/notification dated 28.03.2025 and a direction be issued to the Fees Fixation Committee to determine the fees.

8. Per contra, learned Standing Counsel has made submissions that the writ petition is thoroughly misconceived, inasmuch as no re-determination can take place pursuant to the order dated 24.10.2024 passed by the appellate authority, which has already been quashed by this Court by order dated 24.01.2025 passed in Writ-C No. 888 of 2025 and since the said order has already been affirmed by the Hon'ble Supreme Court in terms of dismissal of SLP on 15.09.2025, the

arguments advanced have no substance. It is further submitted that the order dated 24.01.2025 of the writ court was uploaded with some delay and, therefore, for want of knowledge and information of the same, inadvertently, notification dated 05.02.2025 was issued by the State Government, however, the matter was reconsidered immediately next month and after taking into consideration the order of this Court, the previous notification dated 05.02.2025 was set aside by issuing a fresh notification dated 28.03.2025, which has been impugned in the present writ petition.

9. Further submission has been made that all the aspects regarding determination/re-determination of fees have already been dealt with by this Court in its order dated 24.01.2025 and reliefs claimed in the present writ petition are contrary to the decision of the writ court, which has been affirmed upto the Hon'ble Supreme Court and, in any case, the petitioner has itself filed a review application before the writ court as indicated in para-8 of the supplementary affidavit filed by it. It is, therefore, contended that no order can be passed in the present writ petition, except dismissing the same.

10. In rejoinder, learned counsel for the petitioner submits that two SLPs were filed before Hon'ble Supreme Court, SLP No. 10978 of 2025 by the petitioner and another SLP No. 12630 of 2025 by the students and, though, both the SLPs were dismissed, an order dated 18.11.2025 was passed subsequently on a Misc. Application filed by the students in the decided SLP that the order dated 15.09.2025 would not come in the way of the students in pursuing their remedy, if available in law. It is further contended that the students have filed representations/issued notices asking for refund of fees deposited by them and, therefore, a fresh cause of action has arisen for the petitioner to claim appropriate reliefs and, hence, prayers made be granted.

11. I have considered the submissions made and have perused the material available on record.

12. Apparently, the controversy regarding fixation of fees and its re-determination as well as interim arrangement made on 01.07.2019 and its effect has already been extensively dealt with by this Court while deciding Writ-C No. 888 of 2025 by order dated 24.01.2025. The said order has been affirmed by the Hon'ble Supreme Court by order dated 15.09.2025. Further, the applicant has itself filed a review application before this Court seeking review of the order dated 24.01.2025 in the same matter, which application is pending.

13. As far as the submission qua representations made by the students demanding refund of fees, the Court finds that the same is in furtherance of the liberty granted under the order dated 18.11.2025 passed by the Hon'ble Supreme Court on Misc. Application No. 2139 of 2025 filed in SLP No. 10978 of 2025, decided on 15.09.2025. Since the Hon'ble Supreme Court has clarified that the order dismissing SLP would not come in the way of the students in pursuing their remedy, if the students have initiated steps in the form of making a request from the petitioner to refund the amount, the merits of their claim cannot be examined in separate proceedings in the form of the present writ petition. As to whether such demand is justified or not justified, the same flows from the order dated 24.01.2025 passed in Writ-C No. 888 of 2025, review whereof is pending consideration.

14. In view of the above, if the prayers made in the writ petition are granted, it would amount to directly or indirectly varying or modifying the order dated 24.01.2025 passed by coordinate Bench of this Court, which has also been affirmed by the Hon'ble Supreme Court. The relief claimed referable to the demand raised by the students, having its genesis in the subsequent order dated 18.11.2025 passed by the Hon'ble Supreme Court, entertaining the same in the present writ petition is impermissible. In fact, varying the findings recorded by co-ordinate Bench of this court in its order dated 24.01.2025 and/order of Hon'ble Supreme Court would amount to commission of breach of judicial

discipline and, therefore, this Court is not inclined to grant any relief to the petitioner in the present writ petition.

15. The petition is, accordingly, **dismissed** for the reasons indicated herein above.

16. It will be open for the petitioner to pursue its remedies in accordance with law and claim appropriate reliefs, if any, before appropriate forum.

(Kshitij Shailendra,J.)

March 23, 2026

AKShukla/-