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Deemed varsities question jurisdiction of State panel

Petitioners move HC, contend that they come under UGC

SPECIAL CORRESPONDENT
BENGALURU

The High Court of Karnataka on Thursday ordered issue of notices to the State government on petitions filed by some of the deemed universities questioning the jurisdiction of State's Fee Regulatory Committee to fix fees for the medical, dental and engineering institutes coming under the deemed universities.

A Division Bench, comprising Justice A.S. Bopanna and Justice Mohammad Nawaz, passed the order on the petitions filed by four deemed universities: JSS Academy of Higher Education and Research, Mysuru; NITTE, Mangaluru; Devaraj Urs Academy of Health Sciences, Kolar, and Yene-poya, Mangaluru.

The petitioners have contended that deemed universities come under the jurisdiction of University Grants Commission (UGC), and not under the State government and hence the provisions of

FROM THE COURT



the Karnataka Professional Educational institution (Regulations of admission and Determination of Fee) Act, 2006 are not applicable to the petitioner-universities.

Stating that the Supreme Court had declared that deemed universities have an all-India character and therefore the counselling procedure was to be held by Directorate General of Health Sciences and not by the body authorised by the State government, the petitioner claimed that this ruling clearly indicates that the

deemed universities do not come under the scope of the State.

Claiming that the petitioner-universities had constituted fee fixation committees as per the norms laid down by the UGC, it has been pointed out in the petition that the SC this June directed the UGC and the Union Ministry of Human Resources Development to constitute a fee fixation committee for all deemed universities across the country as per a direction issued by the Madras High Court.

Questioning the fee fixed by the State's Fee Fixation Committee, the petitioner-universities have also sought a declaration from the Court that provisions, relating fee fixation and fee regulatory committee in the 2006 Act of Karnataka are not applicable to the deemed universities.

Deemed-to-be varsities challenge fee panel's order, HC orders notice to govt

TIMES NEWS NETWORK

Bengaluru: The high court on Thursday ordered notice to the government in a batch of petitions filed by deemed-to-be universities challenging the order passed by the Karnataka Examinations Authority's fee regulatory committee. A division bench headed by Justice AS Bopanna posted the matter for consideration on August 1.

JSS Academy of Higher Education and Research, Mysuru, and three other deemed-to-be universities challenged the June 27, 2018 order passed by the committee fixing fees to various professional courses offered by them. The committee had restrained them not to hike fee in 2018-19 and to follow the fee structure of 2017-18.

According to the petitioners, they are entitled to have their own fee structure, keeping in mind the infrastructure and facilities available, investments

Relief for research student who alleged harassment

A research student at St John's National Academy of Health Sciences (SJNAHS), Bengaluru, who was denied access to official email and also accommodation, got a relief as the high court passed an interim order in his favour.

Justice BV Nagarathna on Thursday permitted Dr Jeffery Pradeep Raj to stay inside the campus, access infrastructure and other facilities as well as the office email of SJNAHS. The judge ordered notice to SJNAHS, RGUHS, MCI and the state government in the matter.

Raj had accused the authorities of not permitting him to complete his turmacin research project and harassing him by blocking his official email. He was also ousted

from his official accommodation.

He said the institution run by Catholics did not consider him as principal investigator because he's a Protestant and a person with benchmark disability. "However, because of the importance of the project, to avail sponsorship and take credit of the project in the academy's name, I was made its co-author," he claimed.

Raj, who holds a PG degree in MD pharmacology, is a government-certified person with benchmark disability as per the Rights of Persons with Disability Act, 2016. He completed his MBBS degree from CMC Vellore with 34 medals and was the best outgoing student for the batch of 2017.

made, salaries paid to teachers and staff, future plans for expansion, among other things. "The only restrictions on such self-termination of fee as laid down by

the court in the TMA Pai case is non-charging of capitation fee and non-profiteering," they said.

They said a deemed-to-be university declared under section 3

of the UGC Act, 1956 is distinct from and not comparable to a private college affiliated to a university, or a government college or state university or any other educational institution.

'Panel has no power to decide'

The petitioners argued that the fee regulatory committee has the authority only with regard to professional education courses in private unaided institutions, and has no jurisdiction to determine the fee structure in deemed universities. They have their own fee-fixation committees to determine fees, they added.

The universities have sought for the court's intervention citing that admission to UG courses is under way and in view of the order passed by the fee regulatory committee, there will be confusion over fee collected by students for 2018-19. They claimed the first round of counselling is over, the second round is awaited and the last date for admission to UG courses is August 31, 2018.

ಸರಕಾರಕ್ಕೆ ನೋಟಿಸ್: ಆ.1ಕ್ಕೆ ಉತ್ತರ ನೀಡುವಂತೆ ಸೂಚನೆ ಶುಲ್ಕ ನಿಗದಿ: ಡೀಮ್ ವಿವಿಗಳಿಂದ ಹೈ ಮೂರೆ

■ **ವಿಕ ಸುದ್ದಿಲೋಕ** ಬೆಂಗಳೂರು
ಶುಲ್ಕನಿಯಂತ್ರಣ ಸಮಿತಿ 2018-19ನೇ ಸಾಲಿನ ವೃತ್ತಿಪರ ಕೋರ್ಸ್‌ಗಳಿಗೆ ನಿಗದಿ ಪಡಿಸಿರುವ ಶುಲ್ಕವನ್ನು ಪ್ರಶ್ನಿಸಿ ಹತ್ತಕ್ಕೂ ಹೆಚ್ಚು ಡೀಮ್ ವಿಶ್ವವಿದ್ಯಾಲಯಗಳು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಗಳ ಅರ್ಜಿ ಸಂಬಂಧ ಸರಕಾರಕ್ಕೆ ಹೈಕೋರ್ಟ್ ನೋಟಿಸ್ ಜಾರಿಗೊಳಿಸಿದೆ.

ಮೈಸೂರಿನ ಜೆಎಸ್‌ಎಸ್ ಉನ್ನತ ಶಿಕ್ಷಣ ಮತ್ತು ಸಂಶೋಧನಾ ಅಕಾಡೆಮಿ, ಮಂಗಳೂರಿನ ನಿಟ್ಟಿ ಮತ್ತು ಯನ ಪೋಯಾ ವಿ.ವಿ, ಕೋಲಾರದ ದೇವರಾಜ ಅರಸು ಉನ್ನತ ಶಿಕ್ಷಣ ಅಕಾಡೆಮಿ ಸೇರಿದಂತೆ ಹತ್ತಕ್ಕೂ ಅಧಿಕ ಸ್ವಾಯತ್ತ ವಿ.ವಿ.ಗಳು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಗಳನ್ನು ಆಲಿಸಿದ ನ್ಯಾ.ಎ.ಎಸ್. ಬೋಪಣ್ಣ ಮತ್ತು ನ್ಯಾ.ಪಿ.ಎಂ.ನವಾಜ್ ಅವರಿದ್ದ ವಿಭಾಗೀಯ ಪೀಠ ಗುರುವಾರ ಸರಕಾರ ಸೇರಿ ಎಲ್ಲ ಪ್ರತಿವಾದಿಗಳಿಗೆ ನೋಟಿಸ್ ಜಾರಿಗೊಳಿಸಿತು. ಆ.1 ರೊಳಗೆ ಉತ್ತರಿಸುವಂತೆ ಸೂಚನೆ

ನೀಡಿದೆ. “ಮಧ್ಯಾಂತರ ಆದೇಶ ನೀಡುವ ಬಗ್ಗೆ ಆ.1ರಂದು ಪರಿಗಣಿ ಸಲಾಗುವುದು,” ಎಂದು ನ್ಯಾಯಾ ಲಯ ಹೇಳಿದೆ.

“ಡೀಮ್ ವಿ.ವಿಗಳು ನಡೆಸುವ ವೃತ್ತಿಪರ ಕೋರ್ಸ್‌ಗಳಿಗೆ 2017-18ನೇ ಸಾಲಿನಲ್ಲಿದ್ದ ಶುಲ್ಕಕ್ಕಿಂತ ಶೇ.8ರಷ್ಟು ಮಾತ್ರ ಹೆಚ್ಚಳ ಮಾಡಬೇಕು. ಅದಕ್ಕಿಂತ ಜಾಸ್ತಿ ಮಾಡಲು ಅವಕಾಶವಿಲ್ಲ,” ಎಂದು ನ್ಯಾ.ಡಿ.ವಿ.ಶೈಲೇಂದ್ರ ಕುಮಾರ್ ನೇತೃತ್ವದ ಶುಲ್ಕ ನಿಯಂತ್ರಣ ಸಮಿತಿ ಜೂ.27ರಂದು ಆದೇಶ ಹೊರಡಿಸಿತ್ತು. ಅದನ್ನು ಡೀಮ್ ವಿ.ವಿ.ಗಳು ಪ್ರಶ್ನಿಸಿವೆ.

ಅರ್ಜಿದಾರರ ಪರ ನ್ಯಾಯವಾದಿ ಶಶಿಕಿರಣ್ ಶೆಟ್ಟಿ “ಡೀಮ್ ವಿ.ವಿ. ಗಳಲ್ಲಿ ಲಭ್ಯವಿರುವ ಮೂಲಸೌಕರ್ಯ, ಅನುಕೂಲ, ಬಂಡವಾಳ ಹೂಡಿಕೆ, ಬೋಧಕ ಮತ್ತು ಬೋಧಕೇತರ ಸಿಬ್ಬಂದಿ ಗಳಿಗೆ ನೀಡುವ ವೇತನ, ಭವಿಷ್ಯದ ವಿಸ್ತರಣೆ ಯೋಜನೆಗಳನ್ನು ಆಧರಿಸಿ ಅವುಗಳಿಗೆ ತಮದೇ ಆದ ಶುಲ್ಕ ನಿಗದಿಗೆ

ಅವಕಾಶವಿದೆ. ಆದರೆ ಸಮಿತಿ ಶುಲ್ಕ ಹೆಚ್ಚಳಕ್ಕೆ ಅವಕಾಶ ನೀಡಿಲ್ಲ. ಸುಪ್ರೀಂ ಕೋರ್ಟ್ ಟಿಎಂಎ ಪೈ ಪ್ರಕರಣದಲ್ಲಿ ನೀಡಿರುವ ತೀರ್ಪಿನಂತೆ, ಕ್ಯಾಪಿಟೇಷನ್ ಶುಲ್ಕ ಸಂಗ್ರಹಕ್ಕೆ ಮಾತ್ರ ಅವಕಾಶವಿಲ್ಲ, ಉಳಿದಂತೆ ಶುಲ್ಕ ಹೆಚ್ಚಳಕ್ಕೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದೆ. ಡೀಮ್ ವಿ.ವಿ.ಗಳನ್ನು ಇತರೆ ಖಾಸಗಿ ಕಾಲೇಜು, ಸರಕಾರಿ ಕಾಲೇಜುಗಳ ಜೊತೆ ಹೋಲಿಕೆ ಮಾಡುವುದು ಸರಿಯಲ್ಲ,” ಎಂದರು.

ಈಗಾಗಲೇ ಮೊದಲನೇ ಸುತ್ತಿನ ಪ್ರವೇಶ ಪ್ರಕ್ರಿಯೆ ಪೂರ್ಣಗೊಂಡಿದೆ, ವಿ.ವಿ.ಗಳು ವಿದ್ಯಾರ್ಥಿಗಳಿಂದ ಶುಲ್ಕವನ್ನೂ ಸಹ ಸಂಗ್ರಹ ಮಾಡಿವೆ. ಈ ಹಂತದಲ್ಲಿ ಶುಲ್ಕ ನಿಗದಿ ಮಾಡಿರುವುದು ಗೊಂದಲಕ್ಕೆ ಕಾರಣವಾಗಿದೆ. ಆ.31ಕ್ಕೆ ಎರಡನೇ ಸುತ್ತಿನ ಪ್ರವೇಶ ಪ್ರಕ್ರಿಯೆಯೂ ಮುಕ್ತಾಯವಾಗಲಿದೆ, ಹಾಗಾಗಿ ಶುಲ್ಕ ನಿಯಂತ್ರಣ ಸಮಿತಿಯ ಆದೇಶವನ್ನು ರದ್ದುಗೊಳಿಸಬೇಕು ಎಂದು ಡೀಮ್ ವಿ.ವಿಗಳು ಮನವಿ ಮಾಡಿವೆ.