



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 804/2025

Private Physiotherapy, Nursing & Para Medical Institutions
Society Through Its Secretary, Shri Dilip Tiwari S/o Shri Angad
Ram Ji Tiwari, Aged Abut 65 Years, R/o Plot No.273, Subhash
Nagar, Pal Road, Jodhpur, Rajasthan.

-----Petitioner

Versus

Rajasthan University of Health Sciences, Sector- 18, Kumbha
Marg, Pratap Nagar, Tonk Road, Jaipur- 302033 (Raj.).

-----Respondent

For Petitioner(s) : Mr. Ankur Mathur with
Mr. Harshvardhan Thanvi.
For Respondent(s) : Mr. Vinay Kothari with
Mr. Bhavyadeep Singh.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

REPORTABLE

25/02/2025

1. Heard learned counsel for the parties.
2. The present writ petition has been filed for quashing the order/notification dated 31.12.2024 passed by the respondent-Rajasthan University of Health Sciences for enhancing the affiliation fees for the academic session 2025-26 besides other prayers.
3. Briefly noted the facts in the present writ petition are that the petitioner is a society registered under the Societies Registration Act and therefore, is fully competent to invoke the extraordinary jurisdiction of this Court. The petitioner-society has been formed for welfare of the colleges which are running Physiotherapy Nursing, Para Medical Institutions and to provide



admission to the students and maintain coordination with Indian Nursing Council, Rajasthan Nursing Council and other bodies of the State Government to provide assistance in the admission of the students in the colleges, who are members of the petitioner-society. The petitioner-society is undertaking all other functions for the welfare of its members.

4. The grievance raised in the present writ petition is that the respondent- Rajasthan University of Health Sciences is charging affiliation fees in gross violation of Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification issued by the Rajasthan University of Health Sciences on 16.01.2020. Hence, the present writ petition has been filed.

5. Learned counsel for the petitioner vehemently submits that the respondent- RUHS is charging the affiliation fees *de hors* the notification issued on 16.01.2020. He further submits that in Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification, it is clearly mentioned that as per the decision of the Board of Management dated 14.10.2019, 15% affiliation fees will be increased for the academic session 2020-21 on the basis of academic session 2019-20, therefore, the same cannot be used for increasing the affiliation fees for the academic session 2025-26 by issuing the notification dated 31.12.2024.

6. Learned counsel further submits that neither any new notification has been issued *akin* to the notification dated 16.01.2020 nor any amendment has been made in the notification dated 16.01.2020 for increase in the affiliation fees for the academic session 2025-26 and therefore, the notification dated 31.12.2024 increasing the affiliation fees is *de hors* the law. He,



therefore, prays that the writ petition may be allowed and the notification dated 31.12.2024 may be quashed and set aside.

7. *Per contra*, learned counsel for the respondent- RUHS at the outset, raised a preliminary objection with respect to maintainability of the present writ petition and further submits that some of the members of the Society have already deposited the affiliation fees in pursuance of the notification dated 31.12.2024. Besides this, learned counsel for the respondent submits that on a bare reading of the Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification dated 16.01.2020 clearly goes to show that the affiliation fee calendar & schedule shall be notified by the Rajasthan University of Health Sciences before 30th November of every year and the affiliation fee will be decided by the Board of Management on the recommendation of Finance Committee of the University.

8. Learned counsel for the respondent further submits that in compliance of the condition mentioned in Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification, the Finance Committee has made its recommendation vide its order/letter dated 29.11.2024 (Annex.R/9) and on the basis of the recommendation made by the Finance Committee, the Board of Management held its meeting on 23.12.2024 and has taken a decision to increase the affiliation fees. The minutes of the meeting are placed on record as Annexure-R/10.

9. Learned counsel for the respondent also submits that in pursuance of the minutes of the meeting of the Board of Management held on 23.12.2024, the order/notification dated 31.12.2024 has been passed, whereby, the affiliation fees of all



such colleges affiliated with the respondent- RUHS has been increased and therefore, no illegality has been committed by the respondent by issuing the same. He, therefore, prays that the writ petition may be dismissed.

10. I have considered the submissions made at the bar and gone through the relevant record of the case.

11. The controversy in the present case is that whether the Ordinance No.80 (5) (b) of the notification dated 16.01.2020 is holding the field for increase of affiliation fees for all the ensuing years after the year 2020-21 or not?

12. For brevity, Sub Clause (b) of Clause 5 of the Ordinance No. 80 of the notification dated 16.01.2020 is reproduced as under:-

"b) Affiliation Fee:

The application must be accompanied the affiliation fee receipt as prescribed by the University from time to time. Fee receipt is to be obtained from Accounts Section of RUHS after depositing the demand draft of prescribed affiliation fee in favour of the Registrar, Rajasthan University of Health Sciences, Jaipur payable at Jaipur.

Affiliation fee calendar & schedule will be notified by RUHS before 30th November every year. Affiliation fee will be decided by the Board of Management on the recommendation of Finance Committee of university.

Board of Management of RUHS may provide necessary relaxation in Affiliation fee calendar & schedule for affiliation for academic session 2020-21, if required, reasons to be recorded.

As per the decision of the Board of Management dated 04/10/2019, 15% Affiliation Fees will be increased for the Academic Session 2020-21 on the basis of Academic Session of 2019-20."

13. A bare perusal of Sub Clause (b) of Clause 5 of the Ordinance No.80 shows that the application is required to be filed



by the affiliating institution to the respondent- University and the respondent- University is required to consider the same in accordance with law. The affiliation fee calendar & schedule shall be notified by the respondent- RUHS before 30th November every year and the affiliation fees will be decided by the Board of Management on the recommendation of the Finance Committee of the University.

14. In the present case, since the Finance Committee has made its recommendation on 29.11.2024 and the Board of Management, in its meeting held on 23.12.2024, has decided to increase in the affiliation fees, therefore, in pursuance of the minutes of the meeting, the order/notification dated 31.12.2024 has been issued. In the considered opinion of this Court, the procedure provided in the Ordinance No.80 (5) (b) has been followed by the respondent, therefore, no illegality has been committed by the respondent- University in issuing the order/notification dated 31.12.2024.

15. As far as the other two paragraphs enshrined in Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification are concerned, they only speak about the decision of the Board of Management of RUHS to provide necessary relaxation in affiliation fee calendar & schedule for affiliation for academic session 2020-21 and in pursuance of which, it was decided by the Board of Management for that particular year i.e. 2020-21 for increase of the affiliation fees to the extent of 15%. Sub Clause (b) of Clause 5 will have to be read in totality and the last two para of Sub Clause (b) cannot be read in isolation. A conjoint reading of entire Sub Clause (b) shows that on the recommendation of Finance Committee, the Board of Management will decide the affiliation



fees for every year and therefore, no fresh ordinance is required to be issued for the affiliation fees every year.

16. The fact of the matter is that Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification has given a complete mechanism for increase of affiliation fees and therefore, one cannot be swayed by the fact that the Ordinance No.80 speaks about only the increase of affiliation fee for the academic session 2020-21. Since it was only for that contingency period, therefore, the same decision was taken into consideration for increase of affiliation fees to the extent of 15%.

17. Since Sub Clause (b) of Clause 5 of the Ordinance No.80 of the notification provides the procedure for increase of affiliation fees and the same has been followed in the present case by taking the recommendations of the Finance Committee and by placing the same in the meeting of the Board of Management, therefore, the order/notification impugned in the present case has been issued. In the opinion of this Court, no illegality has been committed by the respondent- University in increasing the fee structure of the affiliation of the colleges and no new ordinance is required to be issued for increasing of affiliation fees.

18. The writ petition is devoid of any force and the same is therefore, dismissed.

19. The stay application as well as other pending misc. applications, if any, stand disposed of accordingly.

(VINIT KUMAR MATHUR),J

397-Shahenshah/-