

2025 PHHC 173693-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. **CWP-5467-2020(O&M)**

Akin Saroya & others

... Petitioners

Vs

State of Punjab & Others

... Respondents

2.

CWP-844-2020 (O&M)

Ginni Bansal & others

... Petitioners

Vs

State of Punjab & others

... Respondents

3.

CWP-6920-2021 (O&M)

Balkar Singh & others

... Petitioners

Vs

State of Punjab & others

... Respondents

4.

CWP-18680-2023 (O&M)

Akalpramjot Singh & others

... Petitioners

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Vs

State of Punjab & others

... Respondents

Reserved on: 15.09.2025

Pronounced on: 12.12.2025

Judgment uploaded on: 13.12.2025

*Whether only the operative part of the judgment is
pronounced or whether the full judgment is pronounced :
Full Judgment*

**CORAM: HON'BLE MR.JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sardavinder Goyal, Advocate and
Mr. Sarwinder Goyal, Advocate
for the petitioner(s) in CWP-5467-2020 & CWP-844-2020.

Mr. Suneet Singh Deol, Advocate
for the petitioner(s) in CWP-18680-2023.

Mr. Vaibhav Narang, Advocate and
Mr. Devant Khanna, Advocate
for the petitioner(s) in CWP-6920-2021.

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Mr. Maninder Singh, Addl. A.G., Punjab.

Mr. Gursher Singh Bhandal, Advocate
for respondent No.2-University.

Mr. Arvind Seth, Sr. Panel Counsel
for the respondent(s)-Veterinary Council of India
in CWP-5467-2020 & CWP-844-2020.

Mr. Himanshu Malik, Advocate for respondent No.3-
College.

* * * *

ROHIT KAPOOR, J.

The above-mentioned petitions involve common issues and are therefore being decided together, with the consent of the parties.

I. Challenge Raised:

1. The petitioners are seeking quashing of the action of respondent No. 3-College, whereby tuition fee has been charged for the ‘internship period’, which according to the petitioners is illegal as no study or examination is conducted during such period and to the contrary, they are to perform duties as provisionally registered veterinary doctors as per the regulations of the Veterinary Council of India (‘VCI’). Further prayer is made to command the respondent No.3-College to pay

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internship allowance to the petitioners at par with the allowance being paid by other Colleges/Universities, regulated by the VCI.

II. Factual Matrix:

2. The relevant facts are being noticed from CWP-844-2020 for the purpose of brevity and ease of reference.

2.1. Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana – respondent No. 2, was established by the Guru Angad Dev Veterinary and Animal Sciences University Act 2005 (*in short 'GADVASU Act'*) and is a public funded University. Various programmes are offered by Respondent No. 2 in its university and constituent colleges. The programmes/degrees pertaining to veterinary education are recognized by the VCI, subject to the adherence of regulations framed by it, from time to time. Respondent No.3-College is a private unaided institution, affiliated with the said University, which offers a Bachelor's degree in Veterinary Sciences and Animal Husbandry (*for short 'B.V.Sc. & A.H.'*). The College is admitted to the privileges of the University and is thus bound to follow the statutes, notification, circulars, memorandum and instructions issued by the respondent-University.

2.2. The VCI notified the Minimum Standards of Veterinary Education Degree Course (B.V.Sc. & A.H.) Regulations, 2008 (*for short '2008 Regulations'*) in exercise of its powers conferred by sub-section (1) of Section 66 read with sub-Section (1) of Section 22 of the Indian Veterinary Council Act, 1984.

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2.3. Respondent No. 2-University issued a common prospectus for the year 2015-16, for the courses offered by it and by respondent no. 3, which included the *B.V.Sc. & A.H.* programme. In pursuance thereto the petitioners applied and secured admission in respondent No.3-College under the State, Management and Special Management quotas, after following the prescribed procedure. Perusal of the prospectus for 2015–16 (Annexure P-1) would show that the duration of *B.V.Sc. & A.H.* programme was of five years and it was specified that at the end of the course work (9 semesters), the students shall undergo a compulsory six-month internship. The admission procedure for the private veterinary colleges is specified under clause 11, wherein it is stated that the admission to the said colleges shall strictly be as per the approval granted by the VCI and based upon the merit secured by a candidate in the common entrance test conducted by the University. It is mentioned in the prospectus that the course curriculum and duration for *B.V.Sc. & A.H.* programme may change subject to the changes in the regulations of the VCI.

2.4. The details of the fee structure for Private Veterinary Colleges has been specified under Chapter IV which is extracted herein below for the facility of reference:

“Fee Structure for Private Veterinary College(s): (Annual fee for non-Boarders)

- | | |
|----------------------------------|------------------------|
| 1. University quota seat | Rs. 175690/- |
| 2. Management quota seat | Rs. 351385/- |
| 3. N.R.I. quota seat | As per University fee. |
| 4. Special Management Quota seat | Rs. 439230/- |

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The hostel fee for boarders and college securities may be decided by the college.”

2.5. The details of fee for NRI candidates was specified separately, which includes admission fee and tuition fee for each year of the programme.

2.6. As per the 2008 Regulations the degree course of B.V.Sc. & A.H. was to necessarily comprise of a course of study consisting of the curriculum and syllabus, as prescribed in Part V of the said Regulations spread over five complete academic years, including a compulsory internship of six months duration undertaken after successful completion of all credit hours provided in the syllabus. The provisions contained in Regulation 9(5) pertain to internship and are therefore reproduced as under:

“(5) Internship.-

- (a) *As per regulation 3 of Part II of these regulations, every student of B.V.Sc. & A.H. degree course shall be required after passing the fifth annual examination to undergo compulsory rotating internship to the satisfaction of the University for minimum period of six calendar months so-as to be eligible for the award of the degree of B.V.Sc. & AH. and full registration with the Council.*
- (b) *Compulsory rotating internship shall include a full time training in veterinary and animal husbandry services {including emergencies and night duties, Sundays and holidays}. The intern will devote whole time to the training and will not be allowed to accept a*

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whole time or part time appointment paid or otherwise,

- (c) Internship shall be undertaken only after completion of all credit requirements of veterinary curriculum including Tracking Programmes, Study Circles, Entrepreneurial Training and R.VC. Squadron/ N.C.C./ Equestrian/ N.S.S / Sports and games as prescribed under these regulations.*
- (d) The university shall issue a provisional course completion certificate of having passed all the professional examinations and having successfully completed course work.*
- (e) The State or Union Territory Veterinary Council or Veterinary Council of India will grant provisional registration to the candidate on production of provisional B.V.Sc.&A.H. course completion certificate. The provisional registration will be for a minimum period of six months and maximum of eight months.*
- (f) After provisional registration with the State or Union Territory Veterinary Council or Veterinary Council of India, the candidate shall register for internship of six calendar months.*
- (g) Interns will be actively involved in rendering veterinary service under the supervision of an experienced teacher.*
- (h) They shall assist the teacher in all activities of the units they are posted in.*
- (i) During the period of internship they shall be provided accommodation/lodging and paid consolidated remuneration in the form of internship allowance as may be decided by the University/Institution from time to time.*

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- (j) *Attendance will be compulsory. The candidate will be entitled for 10 days casual leave. The leave cannot be claimed as a matter of right until and unless the sanctioning authority sanctions it. If an intern willfully absents from the training programme even if for part of a day or during off hours duty (including Sundays/holidays) he/ she may be treated absent for that day. The candidate will be required to undergo training for the additional days in lieu of the absence period and internship allowance will not be paid for these additional days.*
- (k) *The internship programme shall be monitored by a Committee constituted by the Dean under his/her chairmanship including among others the Head of TVCC and Head of ILFC as members. This Committee shall monitor effective implementation of the internship training programme from time to time.*
- (l) *In case of unsatisfactory work/ performance and/or shortage of attendance, the period of compulsory rotating internship shall be extended by not more than two months by the appropriate authority. If this period is more than two months, the intern has to re-register afresh for internship programme for entire six calendar months including registration with the State or Union Territory Veterinary Council.*
- (m) *Internship allowance will be paid only for six calendar months. No internship allowance will be paid for the period of absence/unsatisfactory performance/extended period.*
- (n) *The compulsory rotating internship for six calendar months shall be done in teaching and approved Veterinary Polyclinics/Veterinary Hospitals, Veterinary Biological Centres, Technology Centers,*

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Farms and Veterinary Disease Investigation Centers.

The internship programme can be undertaken at approved veterinary institutions in India,

- (o) The compulsory rotating internship shall be in the following areas:*
 - (i) Clinical training covering veterinary medicine, surgery and radiology, animal reproduction, gynaecology and obstetrics, clinical emergencies, indoor ward care, hospital management record keeping etc. for three months.*
 - (ii) Livestock production and management training, covering farm routines of cattle and buffalo farms, piggery/rabbitary, sheep and goat farms, and equine/ camel unit etc. for one month.*
 - (iii) Poultry production and management covering layer and broiler production, hatchery and chick management quail, turkey, duck units etc. as well as fishery or any other recycling unit where feasible, for one month.*
 - (iv) Livestock technology and service' covering familiarization in biological product units, disease control campaigns (disease investigation and sample collection and dispatch, vaccination, mass testing etc.) in plant training in meat plants, milk plants, etc. training in zoo/ wild life center/ national parks, for one month.*
- (p) Details of day to day work, posting and duration needs to be worked out by the Veterinary Institution as per its needs and infrastructure facilities,*
- (q) Where an Intern is posted to a recognized Veterinary hospital for training, a representative of the college*

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and the In-charge of the Veterinary hospital shall regulate the training of such interns,

- (r) Every Intern shall render professional veterinary service, skill and knowledge under supervision and guidance of a registered veterinary practitioner working in the approved Veterinary Institution.*
- (s) Function, responsibilities and duties of interns:*
 - (i) Participation with clinical faculty in the hospital practice.*
 - (ii) Shares the emergency and night duties on rotation in the larger and small animal hospitals including Sundays & holidays.*
 - (iii) Participation with staff of the place of posting in Veterinary Practice (production or technology).*
 - (iv) The intern responsibilities include hands-on diagnostic and treatment procedures for hospitalized cases under the supervision of the attending veterinarian.*
 - (v) Participation in the tutorial instructional program of the Veterinary College.*
 - (vi) The intern will administer primary care to emergency cases and participate in service such as anaesthesia, radiology, ultrasonography, endoscopy, laboratory and diagnostic procedures. Medicine and Surgery rounds are held periodically allowing the interns to present cases and participate in topic discussion.*
- (t) The training shall be supplemented by weekly sessions of clinical conference, farm operation and data analysis, preparation of feasibility reports, project report, campaigns/ discussions in, clinical training, farm training and technology and services respectively.*

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- (u) *For the purpose of internship all necessary inputs like accommodation, transport, adequate clinical facilities etc. shall be provided.*
- (v) *The intern shall maintain a log book of day to day work which may be verified & certified by the supervisor under whom he/she works. In addition the interns will prepare a brief project report on the basis of his/her case study/ case analysis, survey reports etc. This shall be based on his/her own study during the internship. Such reports can be supervised by more than one teacher, if required. The interns shall present such report in seminar organized for the purpose.*
- (w) *The grading shall be based upon the evaluation of log book, their performance reports from all the minimum prescribed training postings, project report and comprehensive examination in core competence in veterinary skills conducted at the end of the programme by an Evaluation Committee comprising of the faculty representing the concerned departments appointed by the Dean for this purpose.*
- (x) *Every Intern shall have to submit an Entrepreneurial Project during the Internship Programme.”*

2.7. The petitioners paid their tuition fee and all other charges on annual basis as fixed by respondent No. 3-College for the first four years. In the fifth year, respondent No. 3 issued a Notice dated 19.07.2019 (Annexure P-3) asking the students to deposit half of the tuition fee under their respective quota. It is the case of the petitioners that this departure was done, upon recognition of the fact that tuition fee cannot be charged for the tenth semester i.e. the internship period of six months in the final year, when no ‘study’ or ‘tuition’ was to be imparted. The tuition fee for

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the first six months of the 5th professional year, was paid by the petitioners in pursuance to the notice issued by respondent No. 3-University. However, subsequently another notice dated 03.12.2019 (Annexure P-4) was issued, demanding tuition fee for the remaining period of six months, i.e. the internship period, and the petitioners were warned that if the same is not paid, they shall not be allowed to undergo the internship programme. Aggrieved by the said action of respondent No. 3, the petitioners submitted written representations, however, since the same were not accorded any consideration, they were constrained to approach this court under Article 226 of the Constitution of India, impugning the notice dated 03.12.2019 (Annexure P-4) and seeking increase in internship allowance at par with other institutes, as mentioned hereinabove.

2.8. While entertaining the petition on 14.01.2020, it was ordered that the tuition fee for the internship period shall be paid by the petitioners, which shall be subject to the final outcome of the writ petition. The details of the tuition fee charged for the period of internship have been placed on record.

2.9 As regards the amount of internship allowance, notification dated 30.11.2018 (Annexure P-6), issued by Lala Lajpat Rai University of Veterinary and Animal Science, Hisar is annexed, whereby the internship allowance of Rs.12,000/- being paid to the students of the said University stood enhanced to Rs.17,000/-. It is stated that respondent No. 2 is paying internship allowance ranging between Rs. 6000/- to Rs.6600/-, even though both universities are regulated by the VCI.

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Respondent No.3-College is paying an amount of Rs. 3500/- per month as internship allowance.

2.10. A few additional facts from CWP-6920-2021 and CWP-18680-2023, are required to be noticed. The petitioners in the said petitions sought admission in the year 2016 and 2018, respectively. There were changes in the course duration and after the completion of four and a half years of study course, the students were to undergo internship for one year, as per the VCI Regulations of 2016. The annual tuition fee for private colleges was increased to Rs. 2,12,600/-, Rs. 4,25,200/- and Rs. 5,31,500/- for the University, Management and Special Management quota, respectively, in the year 2018. Although, the fee for NRI candidates was also hiked, however, they were required to pay tuition fee for four and a half years, and not for the period of internship.

2.11. The Respondent College in its Reply, while refuting the claim of the petitioners, has taken a stand that it being a private unaided institute, cannot be equated with any government aided University and Institute, since it has to cater to all its expenses from its own finances. In the case of NRI quota seats also, the fee is being charged annually for the entire duration of 5 years. It is further averred that under the internship programme, the interns are to render veterinary services under the supervision of experienced teachers and internship programme is monitored by a committee comprising the Dean and HOD's.

III. Arguments on behalf of the petitioners:

3. Learned counsel appearing on behalf of the petitioners have argued that the VCI Regulations make it abundantly clear that the interns

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are to perform all activities of assisting veterinary doctors at the units where they are posted, including emergency service, night duties in hospitals, even on holidays. It is for this reason that the payment of internship allowance is mandated under the regulations, apart from facilities like boarding/lodging, free transportation etc. It is contended that the impugned action of the respondent-college results in taking away even the meagre amount of internship allowance that is being paid, and is thus against the statutory regulations and is required to be set aside.

3.1. It is urged that charging such a huge amount under the head of tuition fee during the period of internship, when the interns are to be paid remuneration, amounts to unjust enrichment and profiteering, which has been deprecated by the Hon'ble Supreme Court of India in the case of *Islamic Academy of Education and another Vs. State of Karnataka, (2003) 6 SCC 697*.

3.2. It is contended that once respondent No.3-College had itself issued a notice for submission of half of the tuition fee for the final year, having realized that it cannot charge tuition fee for the internship period of six months, it would be estopped from taking a contrarian stand subsequently.

3.3. It is urged that the disparity in the amount of internship allowance being paid by other institutes who are also regulated by VCI, is arbitrary and making the petitioners work compulsorily by paying a pittance and simultaneously charging exorbitant amounts, would clearly be exploitation, as prohibited under Article 23 of the Constitution of India. **IV. Arguments on behalf of respondents:**

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4. Learned counsel appearing on behalf of the Veterinary Council of India submits that the Council has framed the 2008/2016 Regulations with the prior approval of the Central Government and internship is covered under Regulation 9 of Part V, wherein apart from providing accommodation/lodging, the interns are required to be paid consolidated remuneration in the form of internship allowance as may be decided by the University/Institutions from time to time. It is contended that the norms regarding charging of tuition fee in the Private Veterinary Colleges, do not come under the purview of the Indian Veterinary Council Act, 1984 and the tuition fee to be charged by Private Veterinary College, is to be decided by the affiliating University and/or the respective State Government.

4.1. The learned counsel appearing on behalf of respondent No.2-University has argued that respondent No.3, being a private institution, having its own management, is only affiliated with the answering respondent and it would be the governing body of the said institute, who would be competent to decide the amount of remuneration to be paid to the students. On a pointed query of this Court, regarding charging of tuition fee during the internship period in the colleges run by the University, it has been stated at the bar, that no such tuition fee is being charged by the University. Further, in pursuance to the order dated 10.09.2025 passed by this Court, an affidavit has been filed by the Registrar of the University, wherein it has been specifically mentioned in paragraph 5, that the students of B.V.Sc.& A.H. programme at the college of Veterinary Science, Ludhiana or other constituent colleges of the

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University, have never been required to pay tuition fee during the internship period, including the academic year 2015-16. Instead, they were paid a consolidated internship allowance as decided by the University/Institutions, from time to time.

4.2. It has been further clarified that even for the self-financed categories seats in the College of Veterinary Science, Ludhiana, the fee is applicable for nine semesters of programme and not for the internship period.

4.3. As regards the internship allowance, learned counsel for the University has invited our attention to paragraph 5 of the counter filed on behalf of respondent-University, wherein it is mentioned that the same has been enhanced from Rs. 6200/- to Rs.15,000/- per month w.e.f. the year 2022.

4.4. Learned counsel appearing on behalf of respondent No.3- College has vehemently repelled the submissions made on behalf of the petitioners on the ground, that their College is a private unaided institute and has to cater to its entire expenses on its own, as a self-financed institute. It is contended that for the NRI quota seats, which are equated with 'self-financed seats', the fee is being charged annually for the entire course duration, which is evident from a perusal of the prospectus (Annexure P/1).

4.5. It is further argued that perusal of the regulations framed by the VCI, would show that all interns are to be actively involved in rendering veterinary service under the supervision of experienced teachers and they have to necessarily assist the teachers in all activities

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and the programme is to be monitored by a Committee constituted by the Dean under his Chairmanship, which would include other Heads of Departments. It is submitted that the College has to bear expenses on the accommodation/lodging during the period of internship. The fee structure was based upon calculations made for the complete duration of the course of five years and any subsequent exemption of tuition fee for the period of internship, would put the College to huge losses. It is contended that there is no regulation or statutory provision barring charging of tuition fee for the period of internship. Learned counsel appearing on behalf of respondent No.3-College submits that the internship allowance @ Rs.3500/- per month has been paid to each of the petitioners and they have already completed the degree programme and thus no cause of action survives. It is further submitted that subsequently the internship allowance has been increased by respondent No. 3 also, which is at par with other colleges/institutes.

4.6. It is urged that the example of colleges of other States is misplaced, as institutes such as the Aravali Veterinary College, Sikar, are also charging fee during the entire course duration, including the internship period. Amount required to be paid as internship allowance would not be amenable to judicial review. Reliance is placed upon the decision of the Supreme Court in the case of *T. M. A. Pai Foundation and Others Vs. State of Karnataka and Others, (2002) 8 SCC 481* to contend that a private unaided institute would be within its rights to fix the fee and it is submitted that the judgment in the case of *Islamic*

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Academy of Education (supra) would have no application, since the institute is not profiteering by charging any capitation fee. It is thus prayed that the writ petitions be dismissed, being bereft of any merit.

V. Analysis and Conclusion:

5. We have heard the learned counsel for the parties and have gone through the material available on record, with their able assistance.

5.1. The questions that fall for our consideration are: (i) whether tuition fee can be charged during the period of internship? and (ii) whether the claim of the petitioners to be paid enhanced internship allowance, can be examined under the powers of judicial review vested upon Constitutional Courts, under Article 226 of the Constitution of India?

5.2. As regards the first issue, at the outset we may notice that no enactment has been brought to our notice, wherein any regulatory body or committee is authorized to examine the grievances of students of private unaided veterinary colleges, regarding exploitation in the matters of fixation of fee. The stand of the State of Punjab is, that it does not have any role in the matter and since respondent no. 3 is affiliated with Respondent no. 2-University, which is an autonomous body, governed by the GADVASU Act, the issue can be dealt with by the University alone.

5.3. Section 6 of the GADVASU Act, enlists the 'Powers and functions of the University' and it may fix, demand or receive such fee and charges, as prescribed. It can affiliate any college or institution, and exercise control over the students of the University and affiliated

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colleges. Section 33 pertains to the statutes and regulations and clause (r) pertains to the fee which may be charged by the University. Therefore, the argument of the learned counsel for respondent no. 3-college that there is no regulation debarring charging of tuition fee during the period of internship, appears to be attractive, in the first blush.

5.4. However, in these circumstances, to test whether the impugned action would tantamount to exploitation of the students and profiteering, the law laid down by the Hon'ble Supreme Court in *TMA Pai Foundation vs. State of Karnataka and Islamic Academy of Education and another supra* and *P.A. Inamdar & Ors. Vs. State of Maharashtra & Others (2005) 6 SCC 537*, would govern the field. In the case of *Islamic Academy of Education and another(supra)*, after considering the judgement of **TMA Pai**, the Apex court made the following observations:

“ 154. The fee structure, thus, in relation to each and every college must be determined separately keeping in view several factors, including facilities available, infrastructure made available, the age of the institution, investment made, future plan for expansion and betterment of the educational standard etc. The case of each institution in this behalf is required to be considered by an appropriate Committee. For the said purpose, even the books of accounts maintained by the institution may have to be looked into. Whatever is determined by the

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Committee by way of a fee structure having regard to relevant factors, some of which are enumerated hereinbefore, the management of the institution would not be entitled to charge anything more.

155. While determining the fee structure, safeguard has to be provided for so that professional institutions do not become auction houses for the purpose of selling seats. Having regard to the statement of law laid down in paragraph 56 of the judgment, it would have been better, if sufficient guidelines could have been provided for. Such a task which is a difficult one has to be left to the Committee. While fixing the fee structure the Committee shall also take into consideration, inter alia, the salary or remuneration paid to the members of the faculty and other staff, the investment made by them, the infrastructure provided and plan for future development of the institution as also expansion of the educational institution. Future planning or improvement of facilities may be provided for. An institution may want to invest in an expensive device (for medical colleges) or a powerful computer (for technical college). These factors are also required to be taken care of. The State must evolve a detailed procedure for constitution and smooth functioning of the Committee.

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156. While this Court has not laid down any fixed guidelines as regards fee structure, in my opinion, reasonable surplus should ordinarily vary from 6 % to 15 %, as such surplus would be utilized for expansion of the system and development of education.

157. The institutions shall charge fee only for one year in accordance with the rules and shall not charge the fee for the entire course.

158. Profiteering has been defined in Black's Law Dictionary, 5th Edn. as:

“Taking advantage of unusual or exceptional circumstances to make excessive profits;”

159. With a view to ensure that an educational institution is kept within its bounds and does not indulge in profiteering or otherwise exploiting its students financially, it will be open to the statutory authorities and in their absence by the State to constitute an appropriate body, till appropriate statutory regulations are made in that behalf.”

5.5 Applying the ratio of the above judgements, the legal position that emerges is, that to ensure that an educational institute is kept within its bounds and does not indulge in profiteering or otherwise exploiting its students financially, it will be open to the statutory authorities and in their absence, to the State to regulate the fee structure,

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till appropriate statutory regulations are made in that behalf. In absence of any such mechanism, the Constitutional Courts, may also intervene in exercise of their powers of judicial review, if it is found in the given facts of a case, that the action of any educational institution tantamounts to illegal profiteering or exploitation of the students.

5.6. In the cases at hand, as per the VCI regulations, the institutes are mandated to pay the internship allowance to the interns, in lieu of the services that they are to perform during the period of internship. This is in addition to the facilities of boarding/lodging and transportation that were required to be provided. Careful perusal of the regulations would show that the interns are to assist/perform all duties of a veterinary doctor and are therefore granted provisional registration by the competent authority for the said purpose. The internship programme is full-time and includes emergencies and night duties, even on Sundays and holidays. The interns are not allowed any full or part time appointment paid or otherwise. It is important to note that the internship can only be undertaken after completion of all credit requirements of the veterinary course curriculum, tracking programme and all other co-curricular activities, including entrepreneurship project. Issuance of professional course completion certificate and grant of provisional registration by the State/Union Territory Council or Veterinary Council of India, 'precedes' registration for internship. It is, thus, abundantly clear that internship allowance is mandatorily required to be paid under the VCI regulations, upon the recognition of the fact, that the interns are performing all

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functions of ‘assisting veterinary doctors’, and are required to be paid remuneration for their services. Their engagement amounts to employment and deployment in the veterinary clinics is not for training simplicitor.

5.7. Although no material has been placed on record to demonstrate the considerations, basis which the tuition fee for respondent no. 3-college has been fixed, however records reveal that there is huge difference in the fee structure of the said college and the fee structure for the colleges of the University, even if it is taken into consideration that respondent no. 3 is an unaided institution. Admittedly, respondent No.2-University has not charged any tuition fee for the period of internship from the students studying in its colleges and even respondent No.3-College has been specifically debarred from charging any tuition fee during the period of internship, from the year 2023 onwards. It is also undisputed that the internship allowance being paid to the students of respondent no. 3-college was almost half of the amount that was being paid to the students of Respondent No. 2.

5.8 On a pointed query to the learned counsel for respondent No.3-College regarding provision for boarding/lodging for the interns, we are informed that permanent boarding/lodging facilities were only to be provided to those students, who had opted for the hostel facilities and were paying a separate fee for the same.

5.9. Under the circumstances, we find force in the argument raised by the learned counsel for the petitioners that charging of a huge

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amount as ‘tuition fee’ during the period of internship, when the interns are to be paid remuneration, would clearly be exploitative and would tantamount to taking away the mandatory amount of internship allowance, by indirect means. It is well settled, that what cannot be done directly, cannot be permitted to be done indirectly.

5.10. Adverting to the arguments raised on behalf of respondent no. 3-college, we do not find substance in the contention that merely on account of it being an unaided institution, it would have unbridled powers in the matters of charging of fee. We are not much impressed by the argument that on account of the alleged ‘supervision’ of the interns, the college would become entitled to charge ‘tuition fee’ as was being charged during the period of course of study. We have already taken note of the admitted position that period of internship starts after grant of course completion certificate by the College. Records reveal that between the years 2015 to 2018, there was a considerable revision in the fee structure. The college has been charging all other charges, including boarding and lodging charges.

5.11. The argument that the college had planned its finances in accordance with the fee structure for the entire course, as published in the prospectus, also merits rejection. Respondent No. 3 on its own accord, issued a notice/communiqué asking the students that they are required to pay tuition fee only for the first six months. This departure from the previous four years was clearly upon the recognition that the period of internship does not include imparting of any ‘tuition’ or

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‘studies’. Therefore, the Rule of Estoppel would operate in such circumstances.

5.12. It is also a conceded case that respondent No.2-University has not charged any tuition fee for the period of internship from the students studying in its colleges and even respondent No.3-College has now been specifically debarred from charging any tuition fee during the period of internship, as is clearly specified in the prospectus for the years 2023-24 onwards. It is clear that Respondent no. 2 & 3 are aware that such a practice would not be in consonance with the provisions of the VCI regulations, wherein the interns are to be compensated rather than being charged any fee.

5.13. We are therefore of the considered opinion that permitting respondent No. 3 to charge tuition fee during the period of internship, which is an apparent dichotomy, would run counter to the intent and object of the governing VCI regulations, and would make the very object of payment of internship allowance, a farce. It would tantamount to unjust enrichment and exploitation of the interns, which is impermissible as per the law laid down by the Hon’ble Supreme Court.

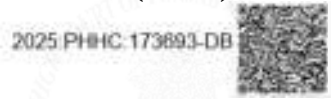
5.14 As regards the second issue pertaining to the prayer of the petitioners to direct respondent No. 3 to make payment of internship allowance at enhanced rates is concerned, we find that no rates or guidelines have been fixed in this regard. Internships and Apprenticeships are terms sometimes used as synonyms, however, they may vary in terms of the duration, term, structure etc. Apprenticeships are governed by the Apprentices Act, 1961, and the rate of stipend that an employer is

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required to paid, is as per the prescribed minimum rates. However, there is no legislation, governing Internship. The VCI regulations mention that internship allowance would be paid as per rates fixed by the institute concerned. While it has long been felt that there is an urgent need to have uniformity in the rates at which internship allowances are paid, as it would keep in check exploitative practices that may be adopted by certain institutes, yet, no steps have been taken till date, in this regard. Be that as it may, we would refrain from passing any directions in this regard, as we are of the opinion that the matter needs to be examined by the competent authority in the first instance. The Petitioners are at liberty to approach the competent authority for framing of appropriate policy/guidelines. Even otherwise, we are of the view that the powers of constitutional courts to issue such directions, while exercising its powers of judicial review, would be limited, especially when the violation of any statutory provisions, has not been shown. There is no prayer for issuance of any directions to the competent authority to frame a policy/guidelines in this regard.

5.15. In terms of the above analysis and findings, we partially allow the writ petitions and hold that no tuition fee could have been charged by respondent No.3-College during the period of internship. As a result thereof, we direct respondent No.3 to refund such amount as may have been charged from the petitioners during the internship period, within a period of three months from the date of presentation of a certified copy of this order. It is however, clarified that the refund shall be made only to the petitioners herein.



6. All the pending application(s), if any, stand disposed of accordingly.

(ASHWANI KUMAR MISHRA) (ROHIT KAPOOR)
JUDGE JUDGE

12/12/2025
Raj/dinesh

Whether speaking/reasoned : Yes
Whether Reportable : Yes