

**Government of Madhya Pradesh,
Department of Technical Education, Skill Development and Employment
Secretariat, Bhopal, Madhya Pradesh**

R 2667838/2024/42-1/ 674

Dated 21/05/2025

To,

The Chairman/Secretary/Director,
R.D. Gardi Medical College,
Ujjain.
Mail- uchhare@gmail.com
Mob: 9827074344.

Sub: Order passed in Appeal No. 09/2024 (MD/MS (Clinical)).

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I am directed to send you a copy of the order dated 21.05.2025 in above mentioned appeal passed by the Secretary, Government of Madhya Pradesh, Department of Technical Education, Skill Development and Employment, Bhopal and Hon'ble Appellate Authority, AFRC, Bhopal for your information and necessary action. A copy of the same is being provided to Secretary/ O.S.D., AFRC, Bhopal for their information and necessary action.

Enclosure : As above.



(Dr. Santosh Kumar Gandhi)
Officer on Special Duty,
Government of Madhya Pradesh,
Department of Technical Education,
Skill Development and Employment

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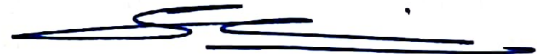
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R 2667838/2024/42-1/ 675

Dated 21/05/2025

Copy to:

1. Personal Assistant, Secretary, Government of Madhya Pradesh, Department of Technical Education, Skill Development and Employment, Bhopal and Hon'ble Appellate Authority, AFRC, Bhopal for kind information.
2. Secretary/ O.S.D., AFRC, Bhopal for information and necessary action.



Officer on Special Duty
Government of Madhya Pradesh,
Department of Technical Education,
Skill Development and Employment

**BEFORE THE APPELLATE AUTHORITY CONSTITUTED UNDER
THE MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA
(PRAVESH KA VINIYAMAN AVAM SHULK KA NIRDHARAN)
ADHINIYAM, 2007 (AS AMENDED)**

Presided over by Shri Raghuraj Rajendran, Secretary, Govt. of Madhya Pradesh,
Department of Technical Education, Skill Development and Employment.

Appeal No. 09/2024

R.D. Gardi Medical College, Ujjain

...Appellant

VERSUS

**Admission and Fee Regulatory Committee,
Bhopal**

...Respondent

ORDER

(Date: 21st May, 2025)

This appeal has been filed u/s 10 of Madhya Pradesh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk ka Nirdharan), Adhiniyam, 2007 (hereinafter referred to as the Act) challenging the order dated 28/07/2022 passed by the Admission and Fee Regulatory Committee (hereinafter referred to as 'AFRC').

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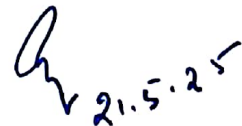
- 2) The brief facts as from the record and submissions are that the Appellant institute offers a MD/MS (Clinical) program. By the impugned order dated 28/07/2022, the Respondent AFRC fixed the fee for the academic years 2022-23, 2023-24 and 2024-25 at ₹ 13,50,000/-, applying the minimum fee criteria since after calculating the fee on the basis of the audited financial data for the FY 2018-19/2019-20/2020-21. After initial calculation, the institute's fees came to ₹ 8,90,900/- per student per year. However, as per AFRC's minimum fees criteria, AFRC cannot award any institution a fee less than the prescribed minimum fee. Hence, the institution was awarded the minimum fee for MD/MS (Clinical) course for that year which was ₹ 13,50,000/- per student per year and this fee is already ₹ 4,59,100/- higher than the fee calculated from the audited data of the Appellant institution.
- 3) The Appellant has challenged the impugned order arguing that an increase in the stipend for students, mandated by the State Government post-fee fixation, has imposed an additional financial burden of ₹ 14 crore on the institution. The appellant contends that this adversely impacts its financial stability and liquidity. The appellant also submitted a fresh audit report for the 2022-23 session, requesting a re-determination of the fee based on updated data. Additionally, it was argued that while the fee has remained constant per student for the past five years, the institution's operational costs have steadily increased.
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- 4) Per Contra, Respondent AFRC contends that the fixed fee already exceeds the costs as indicated by the appellant institution in the audited financial data submitted during the application process. Therefore, no additional financial burden is imposed on the institution. Further, AFRC argues that fee revisions cannot be undertaken mid-session. Any revision can only be considered during the next fee regulation cycle, based on updated audited reports for future academic sessions.
- 5) In response to queries from this authority, AFRC clarified that its rules and methodologies do not provide for a "true-up" mechanism to address financial losses arising from unforeseen circumstances, such as increased stipends.
- 6) Heard the appellant and respondent and perused the record.
- 7) It is settled law that grounds or documents not presented at the initial stage, cannot be produced at the stage of appeal. Thus documents not previously submitted to the AFRC cannot be accepted at this stage.
- 8) In this case AFRC also agrees to the claim by the appellant that the stipend payable to students has been subsequently varied by Government order which has resulted in an expenditure which is beyond the control of the appellant. The additional expenditure of this nature, if not factored into the calculation of fee by the AFRC for fee regulation would lead to a situation where the genuine financial interests of the institution would be undermined and it would not be able to remain as a going concern. The genuine expenditure incurred by the Institution needs to be considered by AFRC to decide

the upcoming fee structure The fee determination should account for adjustments mandated by the State Government, whether increases or decreases, to ensure the institution's cash flow and liquidity remain unaffected.

- 9) AFRC representative also agrees that the regulation regarding fee determination provides for reasonable surplus required for growth and development of the institution which can be ensured only if there is a suitable provision in the methodology/framework for factoring in genuine expenditure that has been incurred by the institution. AFRC is instructed to reconsider the fee structure for subsequent academic sessions, incorporating the financial impact of the increased genuine expenditure on the appellant institution. A "true-up" adjustment must be made during the next fee regulation cycle to address the appellant's legitimate financial claims without adversely affecting the students who have completed the course and parted with the institution.

- 10) With the aforesaid directions, the appeal stands disposed of.



(Raghuraj Rajendran)
Appellate Authority