

CONSENSUAL AGREEMENT BETWEEN GOVERNMENT OF KARNATAKA AND THE KARNATAKA PROFESSIONAL COLLEGE'S FOUNDATION (KPCF) IN THE MATTER OF REGULATING ADMISSIONS AND FEE STRUCTURE FOR THE UNDER GRADUATE COURSES IN PRIVATE PROFESSIONAL COLLEGES OF DENTAL FOR THE ACADEMIC YEAR 2021-22.


1. PREAMBLE:

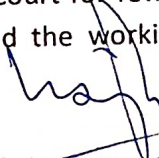
Whereas Karnataka Legislature, having enacted Act No. 8/2006 as amended by Act No. 39 of 2015 and Act No. 22/2017, enabling the State Government to enter into Consensual Agreement with Private Professional Colleges, regulating seat sharing, admission process and fee structure; and in furtherance thereof, after due deliberations and negotiations; consensus having been arrived at; and taking note of changed circumstances, in the meantime, having reiterated the consensus in terms hereunder stated; this agreement is being entered into, between Government of Karnataka and Karnataka Professional Colleges Foundation, hereinafter referred as "KPCF" (for its member Private unaided Professional Colleges) in the State;

And whereas, in the light of the pronouncement of the Hon'ble Supreme Court in TMA Pai Foundation case [(2002) 8 SCC 481] and, as explained in P.A. Inamdar's case [(2005) 6 SCC 537)], it is permissible for the managements of Private Unaided Professional Colleges and the State Governments to enter into Consensual Agreements, with respect to seat sharing, admission process and determination of fee structure arrangements;

AND whereas the Karnataka Professional Colleges Foundation (KPCF), keeping in view its social commitments and responsibilities; and with a desire to participate in effectively sub-serving state's reservation policy; and to further the interests of the students from Karnataka, as to their admission as well as fee fixation, had entered into Consensual Agreements under Act No. 8/2006 from the academic year 2007-08. For the subsequent years [2008-09 till 2020-21], Consensual Agreements were entered into and worked out; and have been pursuant to amendments to the Act enacted by the State Government to provide for recognition/implementation of the Consensual Agreements. Similar Consensual Agreement was entered into between the parties to the agreement in the year 2020-21 in pursuant to the Act No. 8/2006 and its amendments. Furthermore the Consensual Agreement entered into between KPCF as well as the State government were also placed before the Hon'ble Supreme Court for few years and the Hon'ble Court duly approved the same and also permitted the working of the said Consensual Agreements.


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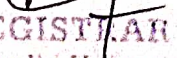

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The Dental Council of India on 30.05.2012 under Section 20 of the Dentist Act, 1948, amended Dental Regulations by mandating NEET as an eligibility criteria to Dental Courses.

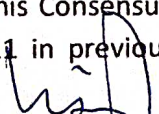
AND whereas, the Hon'ble Supreme Court, in Review Petition. 1956/2013 and connected cases; by its order dated:11.04.2016 reported in (2016) 4 SCC 342 in case of MCI Vs. Christian Medical College Vellore was pleased to recall the judgment dated 18.07.2013 passed in NEET cases [CMC VELLORE (2014) 2 SCC 305] where under Notifications dated: 30.05.2012 were set aside and had directed the matters to be heard afresh. However, the Hon'ble Supreme Court in W.P. No. 261/2016 in case of Sankalp Charitable Trust & Anr Vs. Union of India & Ors by its order dated:06.05.2016 has been pleased to hold that, no examination shall be permitted to be held for grant of admission to MBBS or BDS by any Private College or Association or any Private/Deemed Universities.

The Hon'ble Supreme Court in W.P. No. 293/2016 (Mihir Abhijit Pathak Vs. Medical Council of India) was also pleased to hold that; prima facie it did not find any infirmity in the NEET regulations on the ground that, it affects the right of the States or the Private Institutions. Special provisions for reservation of any category are not subject matter of NEET nor rights of minorities are in any manner affected by NEET. It held NEET only provides for conducting entrance test for eligibility for admission to the BDS course. Furthermore the Hon'ble Supreme Court in SLA (C) No(s). 30336/2016 by order dated 28.08.2017 in the case of Akshita Singh Vs. Uoi in C/w. WP (C)No.267/2017 in the case of Dar-Us-Slam have stipulated the procedure with respect to filling up of the stray vacant seats from amongst the list of un-allotted students furnished by KEA and the eligible candidates from the larger NEET list.

And whereas the KPCF has brought to the notice of the Government, the inadequacies of funds due to implementation of the 7th Pay Commission and the high cost of imparting education in Private Dental Colleges; and need for determination of appropriate fee structure to meet the costs of imparting quality education; and the Government having taken note of the same and keeping in view the time constraint has desired to address this issue by consensus, the members of the KPCF have come forward to enter into this Consensual Agreement in the interest of Student community. KPCF has placed the actual cost of education involved in imparting education before the Government as well as the Fee Regulatory Committee. KPCF and the Government have also agreed to a fee structure to be followed for 2021-22. This Consensual Agreement overrides any agreement of fee structure made for 2020-21 in previous Consensual Agreement.


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And whereas the surrender of the 35% of seats by KPCF to the State Government would take care of implementation of the Reservation policies of the State Government, namely; reservation of seats under Article 371(J) as well as Article 15(5) of the Constitution of India. The State Government shall implement the above referred Reservation policy from the seats surrendered by the members of the KPCF to the State Government. In so far as Private Dental Colleges located in Hyderabad-Karnataka Region; reservation under Article 371(J) shall be implemented.

2. GENERAL:

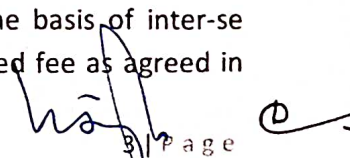
- a) The parties herein are entering into this Consensual Agreement, in terms of the Act No. 8/2006 and its amendments. The Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 empowers the State Government to enter into Consensual Agreement with KPCF. This Agreement is valid for the academic year 2021-22.
- b) That it is agreed between the parties that, the regulatory authorities and RGUHS etc. shall be associated in working out this 'consensual arrangement' and State Government would issue appropriate directions/make appropriate requests, as a 'policy of the Government' and, ensure that such authorities recognize and agree to working of this agreement; for the purpose of approval of admissions, levy of tuition fees etc, in accordance with terms of this Agreement. It shall be the responsibility of the State Government that the RGUHS implements this Consensual Agreement for the academic year 2021-22.
- c) The State Government has constituted a State Common Entrance Test Committee for the purpose of review of counseling/admission in Private Dental Colleges. In the said Committee, the Government has included one representative of the KPCF.

3. SEAT SHARING:

- a. The member institutions of KPCF, imparting studies in Under Graduate Education in their respective Institutions, would make available/hand-over 35% of seats out of the total intake available, in each of their member – Dental Colleges. The Counseling and allocation of the above seats shall be on the basis of inter-se merit determined under the NEET Examination with subsidized fee as agreed in this agreement.


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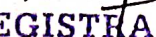

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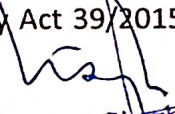

- b. 45% of the total intake in Dental Colleges shall be filled by General Merit students, who are eligible under the NEET exam, on the basis of inter-se merit. 50% of the seats shall be reserved for the Karnataka students and if sufficient number of Karnataka students are not available, such seats may be filled by others.
- c. 15% of the total intake in Dental Colleges shall be filled up from students who are NRIs which includes NRI's Children or their wards; OCIs, PIOs and foreigners through the counseling conducted by the designated authority, i.e. Karnataka Examination Authority. In case of non-availability of candidates in any of the categories above, the seats would be filled up by colleges from the list of unallotted students furnished by KEA and any other eligible candidates/students as prescribed by the Dental Council of India in accordance with the Judgment of the Hon'ble Supreme Court in SLA (C) No(s). 30336/2016 by order dated 28.08.2017 in the case of Akshita Singh Vs. UoI in C/w. WP (C)No.267/2017 in the case of Dar-Us-Slam and the fee for such students also shall be on par with the relevant category.
- d. For 5% of the total intake in Dental Colleges the fee structure will be higher as per the fee structure communicated by the respective private colleges to the designated authority.

4. SEAT SHARING IN RESPECT OF MINORITY EDUCATIONAL INSTITUTIONS UNDER KPCF:

- a) Seat sharing ratio, in respect of Minority Educational Institutions who are members of KPCF shall be on par with, that of the members of Minority Association, that may be agreed upon. That admission process for Minority Educational Institutions would be in accordance with 'preferences' available to them; as formulated in the Karnataka Professional Education Institutions (Recognition of Minority Educational Institutions Terms and Conditions) (Professional Education) Rules, 2016.
- b) Seat sharing ratio, in respect of Minority educational institutions who are members of KPCF shall be governed by the provisions of Section 4A (C) read with other proviso under Act 8/2006 as amended by Act 39/2015 & Act No. 22/2017.


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5. FEE STRUCTURE:

- a) Whereas the Government has considered the contentions of the association and also the interest of the students, it has been agreed by the parties and decided that there should be the same fee for 2021-22 as that of the year 2020-21. Accordingly, the fee structure indicating the tuition fee that would be levied for the UG Dental Course in respect of KPCF institutions under various categories for the academic year 2021-22 shall be as follows:

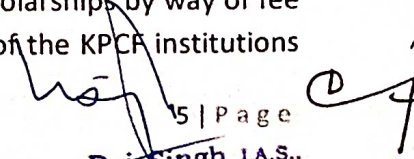
SUMMARY OF TUITION FEE AND PERCENTAGE OF BDS SEATS

Category	Govt. Quota in Private colleges 35% (G)	Private seats 45% (P)	NRI, OCI, PIO & Foreigners 15% (N)	Other seats 5% (O)
Fee	Rs.83,358/- per year.	Not Exceeding Rs.6,66,023/- per year.	The details of fees component wise shall be entered in KEA portal in advance.	

- b) The tuition fee mentioned in the above table along with University fees to be collected by the Counseling authorities after allotment. The respective colleges are entitled to collect other fees, which shall not exceed Rs.15,000/-per annum, hostel and Transportation fees if opted by the students may be collected.
- c) Apart from this, in case any member institution is providing skill lab facility or similar facility/facilities, the respective colleges can collect reasonable fees which shall not exceed Rs.30,000/-per annum. However, the fees for above items shall be entered in KEA portal in advance by the colleges so that the same could be notified in the KEA website.
- d) The KPC Foundation considering the request by the State Government, have now resolved to extend the same gestures as were extended for previous year, by way of 'Scholarship' to Socially and Economically Weaker Sections and Others; and participate in social welfare measures/schemes of the Government. Therefore, it is proposed and provided that, for 'all UG Course seats' made over to the Government for grant of admission in accordance with its reservation policy, the members of KPCF colleges will extend 'the freeships and scholarships by way of fee concessions' from the fees actually being charged by each of the KPCF institutions


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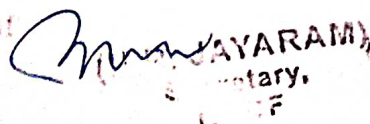
for the current year; by way of scholarships under this consensual arrangement; out of fees receivable from the category of students falling under NRI and higher fee category. The 'Fee Matrix' indicating the actual tuition fee that would be levied for the UG Dental courses in respect of KPCF Institutions, under allocations by KEA/concerned colleges for 2021-22, shall be as per the table above.

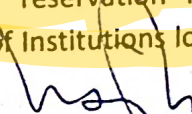
- e) KEA allotted candidates for UG Courses would pay the fees at the time of allotment of seats; and or while seeking admission under the allotment as may be prescribed and notified. The KEA shall inform the students prior to the admissions that the admission is subject to payment of fees as published by the Karnataka Examination Authority. Fee structure shall be binding on all the students admitted by the respective colleges. KEA shall transfer 100% of tuition fees collected from the students to respective colleges and 100% of university fees to RGUHS within 30 days from the last date of admission.
- f) The students under NRI seats and 5% seats higher fees category, shall furnish bank guarantees for the balance course period at the time of admission or at such period of time granted by the college. Non-furnishing of the bank guarantee would result in cancellation of admission or suspension of classes till the furnishing of the Bank Guarantee in favour of the colleges.


5. MODALITIES OF ADMISSIONS:

- a) A 'seat matrix' shall be drawn in consultation with respective institutions and notified in terms of 'seat matrix order' issued by the Government.
- b) In view of the making over of 35% of its total available seats in UG Dental Courses, the Government of Karnataka, hereby exempts the members of the KPC Foundation from the obligation, if any, of providing for reservations for either SCs, STs or Other backward classes separately, since the Government of Karnataka itself is providing for requisite 'reservations', in seats now available to the Government out of aforesaid 35% of seats in UG Dental Courses in the institutions/colleges of private managements as required under Article 15 (5) of the Constitution which enables the State Government to make special provisions for Scheduled Caste or Scheduled Tribes in Private Educational Institutions. The KPC Foundation also need not make separate reservations under Article 371(J) of the Constitution of India, which provides for reservation for people from Hyderabad-Karnataka Region, except in respect of Institutions located in the said Region.

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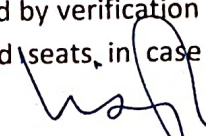

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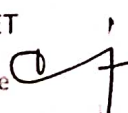
- c) It is stipulated that the counseling by the KEA shall be conducted as per the calendar of events, prescribed by the regulating authorities namely the DCI and affiliating University respectively. In the event of a conflict/variation in calendar of events published, the calendar of events mandated by the apex bodies; or Orders of the Courts would prevail and apply.
- d) It is further agreed that KEA, the designated authority for counseling, shall conduct counseling and allocation for seats in Private Institutions under KPCF based on merit, as per NEET ranking. There shall be two rounds of counseling followed by two mop up rounds as prescribed by DCI which shall be done by the KEA and after completion of the mop up rounds, if any seats remain unfilled or stray seats if any fall vacant would revert back to Karnataka Professional College's Foundation/its member institutions for filling up the vacant seats from the list of un-allotted students furnished by KEA portal and if such students are not available then the KPCF/its member institutions shall fill up from the students eligible/qualified in NEET in accordance with order passed by the Hon'ble Supreme Court in SLA (C) No(s). 30336/2016 by order dated 28.08.2017 in the case of Akshita Singh Vs. UoI in C/w. WP (C) No.267/2017 in the case of Dar-Us-Slam. All admissions approval of admitted candidates shall be done through single KEA portal only.
- e) All categories of students, including NRI seats, shall be open for option entry from the first round of counseling. Furthermore, a representative of the Association shall also be part of the Counseling process conducted by the KEA in order to assist in the smooth admission process.
- f) All member professional colleges shall grant admissions on receipt of allotment letters issued by the KEA. The documents of the candidate shall be deposited at KEA for their admissions. The details of the fee inclusive of all components shall be furnished to the State Government in advance so that the same can be informed to the students prior to the date of counseling. Once the admission has been done, the KEA cannot cancel the seats after the last date of counseling without the prior consent of the respective colleges.
- g) It is agreed that the KEA shall ensure that the online portal shall be kept open to register any candidate after mop-up round followed by verification of documents for one day for any vacant seats or surrendered seats, in case of any NEET


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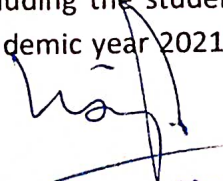

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qualified candidate available for admission. Further, the KEA shall also ensure that the KEA online portal should be allowed to take any admission for any vacant seats or surrendered seats from the list submitted by KEA. Any cancellation of seats after mop-up round shall be at Karnataka Examination Authority with proper ID proof (Government Authenticated) in-person with prescribed penalty.

- h) Any grievances, in the matter of counseling/admissions made by KEA will be redressed by the counseling authorities in consultation with the Director of Medical Education strictly in terms, and within the scope of this agreement.
- i) A copy of the admissions, if any, made by the private colleges in respect of unfilled seats shall be forwarded to the admission overseeing committee and any grievances raised by the students so admitted shall be redressed by the said committee, which shall be made, keeping in view the terms of the agreement, shall make such orders as are necessary and same shall be binding on respective institutions. The committee shall afford an opportunity of being heard to the respective institutions, if the grievances are as to the admission process by the member institution, before any directions are issued by the said committee.
- j) To prevent any dispute or litigation in the matter of admission, the decision of the Admission Overseeing Committee headed by a retired High Court Judge shall be final with regard to admission process.
- k) The Government would ensure implementation of this Consensual Agreement as per the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 as amended by Act No. 39/2015 & Act No. 22/2017 and facilitate working out this consensual arrangement. Notwithstanding the delay in steps being taken as above; this 'Consensual Agreement' binds all the governmental authorities, including the students that may be admitted in terms of this agreement for the academic year 2021-22 and Government shall ensure the implementation thereof.


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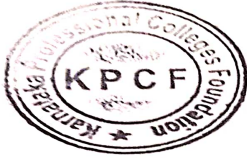

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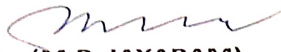

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Signed by and between THE GOVERNMENT OF KARNATAKA, RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES and THE KARNATAKA PROFESSIONAL COLLEGES FOUNDATION by its respective authorized functionaries, on this 19th day of January 2022; at Bengaluru.

On behalf of and
For Karnataka Professional
College's Foundation





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SECRETARY, KPCF
Secretary,
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On behalf of and
For Rajiv Gandhi University of
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