

**Before Himachal Pradesh Private Educational Institutions
Regulatory Commission, Shimla.**

Case No: 29 of 2021

Date of Institution: 22.11.2021

Date of Decision: 05.04.2022

In the matter of:

Akshay & Others

.....Petitioner (s)

Versus

Heritage Institute of Hotel and Tourism, Sanjauli, Shimla-171006.

.....Respondent (s)

Order

This order shall dispose off the various complaints received from the students namely Akshay and others (hereinafter referred as the petitioners) against the respondent college alleging as follows:

1. Petitioners are the students of respondent college of batch 2012 to 2019. They took admission in years 2012 to 2017 for the course B.Sc. HMCS in respondent college affiliated by Madurai Kamraj University and the petitioners were passed out from the respondent college between the year 2015 to 2019.
2. The results of the petitioners were delayed by the respondent college for several years.
3. On receiving the marksheets, petitioners got to know that the respondent college is providing all documents of Distance Education Programme.
4. At the time of admission, petitioners were not informed that the respondent college conduct programme through distance education and they took admission for a regular course and paid approximately fee of Rs. 3.00 Lakh per course.

The complaints received from the petitioners were taken up with the respondent college and the parties were called up for personal appearance alongwith relevant records. During hearings, the respondent was asked to clarify the following points:

- Whether the complainants were informed at the time of admission in B.Sc. HMCS course that the same is through distance education mode?
- Student wise list of total fee collected since 2013-2017 and detail of students.

- Detail of students whose provisional DMC has been received.
- List of students whose degrees are still pending with the Madurai Kamraj University.
- Actual fee approved for the distance education programmes by the affiliated university and prospectus of the institute and the affiliating university.
- MoU with the Madurai Kamraj University.
- Copies of Judgment passed by the Hon'ble Supreme Court of India with respect to the running of distance education by the University in other states.

In support of their case, the respondent college submitted the following documents:

- Year wise and student wise details of fee collected for the B.Sc.HMCS course since 2013 onwards.
- List of students whose DMC and degrees are still pending with the Madurai Kamraj University.
- A copy of letter dated 12.10.2021 sent to the Controller of Examination, Madurai Kamraj University, Palkalai Nagar, Madurai, Tamilnadu regarding release of applied degrees.
- Copy of Placement Brochure in place of prospectus by stating that the said brochure is used by their institute.
- Prospectus of Madurai Kamraj University (Directorate of Distance Education).
- A letter dated 25.06.2013 issued by the Department of Tourism and Hotel Management, Directorate of Distance Education, Madurai Kamraj University dated vide which the respondent college had authorised to charge @ Rs. 85,000/- per annum.
- MoU with the Madurai Kamraj University entered on the day of 16th February, 2016.

The respondent college further submitted the Madurai Kamraj University letter dated 17.09.2013 vide which it has been certified that the respondent college is approved Catering Training Centre of Directorate of Distance Education, Madurai Kamraj University from 01.07.2013 to 30.06.2015. Further, the said certification was also continued by the Madurai Kamraj University vide letter dated 28.07.2016 from 31.07.2015 to 30.06.2017. However, the said certification was issued purely subject to the outcome of verdict of Hon'ble Madurai Bench of Madras High Court, Madurai in W.P. (MD) No. 23143 of 2015 and vide letter dated

10.01.2018 of Madurai Kamraj University, the said certification was also continued w.e.f. 01.07.2017 to 30.06.2019.

The Commission perused all the documents on record carefully and found many discrepancies in the working of respondent institute which are elucidated as follows:

- Letter dated 25.06.2013 was submitted by the respondent college through which they claim that permission was granted by the Madurai Kamraj University to charge fee of Rs. 85,000/- per annum from the students.
- MoU submitted by the respondent college was signed between the Madurai Kamraj University and respondent college on 16th February, 2016 does not contain any clause wherein the respondent college is permitted to charge excess fee of Rs. 85,000/- per annum from the students. Further, in the clause 3.1 of the MoU, it is clarified that fee structure prescribed for various course is found in the website and prospectus.
- In clause 1 of the MoU, it is mentioned that the respondent college will obtain the requisite application form and prospectus prescribed by the Madurai Kamraj University. Keeping clause 1 of the MoU in view the fee structure mentioned in the prospectus of Madurai Kamraj University should be binding. The letter dated 25.06.2013 therefore has no legal standing.
- On perusal of the prospectus of Madurai Kamraj University submitted by the respondent college, fee for B.Sc. HMCS course is of Rs. 7000/- per year and total fee for three years course is Rs. 21,000/-. However, on analysing the year and student wise fee detail submitted by the respondent, it was found that they have charged approximately Rs. 2.50 lakhs -Rs. 03.00 lakhs per course from some students.
- That the placement brochure submitted by the respondent college alleged to be used by them does not highlight anything about the fact that the respondent college is imparting **distance education programme**. Also, fee structure is not displayed in the aforementioned brochure.
- Respondent college obtained affiliation from the Madurai Kamraj University from 2013 upto the year 2019 and also obtained affiliation from the H.P. University, Shimla for the year 2017, this resulting in college affiliating with two Universities consequently. This is a major violation to laid down rules & regulations.

The Commission has asked respondent college whether they refunded the excess fee to the students as per directions of Hon'ble High Court of Himachal Pradesh order dated

29.03.2017 passed in CWP No. 3171 of 2016, which was filed by the respondent institute against the order dated 08.12.2016 earlier passed by the Commission in case No. 8 of 2016. Though, the respondent institute vide its letter dated 09.12.2021 clarify the position with respect to Hon'ble High Court of H.P. aforementioned order dated 29.03.2017, which is not found satisfactory.

In view of the above discussion and perusal of records, the Commission observes as under:

- The respondent institute by suppressing the material information admitted the students in B.Sc. HMCS course and charged the excess fee for the said course.
- The respondent college could not provide documentary evidence relating to students found informed about their admission in B.Sc. HMCS course is under distance education mode and admission is purely subject to the outcome of verdict of Hon'ble Madurai Bench of Madras High Court, Madurai in W.P. (MD) No. 23143 of 2015.
- The respondent college also could not prove that the college have been given any relief with regard to providing distance mode education from the Hon'ble Madurai Bench of Madras High Court, Madurai in W.P. (MD) No. 23143 of 2015.

In view of the above, the Commission hereby pass the following orders:

- The Commission recommends the Director Higher Education, Shimla and the Registrar, H.P. University, Summerhill, Shimla for de-affiliation as well as closure of the respondent institute, as the running of this institute is not in the interest of the students.
- The respondent college shall provide the DMC and degrees of left out students from the Madurai Kamraj University as per decision of Hon'ble Madurai Bench of Madras High Court, Madurai in W.P. (MD) No. 23143 of 2015.
- The Commission suggests that the Registrar, H.P. University, Summerhill, Shimla assist in migration of students to some other colleges after conduct of examinations for the current session.
- The Registrar, H.P. University, Summerhill, Shimla is also suggested to seriously look into the matter w.r.t. approval of courses, faculty, fee structure as well as affiliation of private colleges / institutes as per UGC norms to avoid serious violation in future.
- The students are also at liberty to approach the appropriate forum, if they feel further aggrieved by the respondent institute.

- Directions to all private colleges / institutes established in the State of H.P. regarding approval of courses, fee structure as well affiliation from time to time be obtained from the concerned affiliating Universities / appropriate authority be issued.

The above shall order come into the power with immediate effect.

Matter stand adjudicated, representations / applications, pending if any, in this matter also stand disposed off.

Orders be uploaded on website of the Commission.

File after completion be consigned to record room.

Announced.

(Major General Atul Kaushik)
Chairman

(Prof. Suresh Kant Sharma)
Member

HP-PER