

H.P. PRIVATE EDUCATIONAL INSTITUTIONS REGULATORY COMMISSION,

Order Sheet HP-PERC, Shimla

Case No. 07 of 2022

Dr Gunraj Singh Mehta -Versus- Maharishi Markandeshwar University

Case called: 10.01.2023

Present: For Petitioner: None
For Respondent: Ajay Singhal, Registrar, Maharishi Markandeshwar University.

Order

A joint complaint was received from the three students namely Dr. Gunraj Singh Mehta, Dr Sidhant Lochv and Dr Venus Garg. wherein they revealed that they were the students of MD/MS Post graduation batch 2019 in the respondent College and Hospital. Further they elucidated that in the college prospectus, it was mentioned that fees will be charged as per HP Govt decision which came after few months of their admission and the revised fees was not implemented and extra fees was charged for 3 years course. College administration forced them to pay extra fees. In support of their claim the complainant annexed the following documents alongwith the complaint:-

- Selection letter for admission to PG and MD/MS degree course for academic session 2019-2022.
- Final fee structure for the academic session 2019-20.
- Copy of prospectus of respondent college for admission to MD/MS course 2019-20.

During hearing the complaint along with the documents were forwarded to the respondent college for submitting their reply. In their reply, it was submitted by the respondent college that the present complaint is not maintainable in view of the Section 5 sub clause 2 of the HP Private Educational Institutions Regulatory Commission rules, 2011 and the matter will have to be referred to the Govt. It was further submitted by the respondent that the present complaint is not maintainable being contrary and contemptuous to the decision dated 24.06.2021 of Hon'ble High Court of HP in CWP no 626 of 2021 w.r.t. the matter and disputes and the complainant is stopped from raising this issue since they he did not object to the charging of fee at the time of admission.

Finding: On perusal of the pleadings and documents filed by the parties, following points have emerged:

- On perusal of Selection letter for admission to PG and MD/MS degree course for academic session 2019-2022 dated 17.05.2019 given to the complainant, it was specifically mentioned in this letter that such fee structure shall be applicable as approved/ notified by the Govt for the academic session 2019-2022.
- On perusal of Final fee structure for the academic session 2019-2020 for MD/MS dated 22.04.2020 at clause no 13, it was mentioned that the excess fee charged from the students

who are enrolled for PG course in the academic session 2019-20 will be adjusted in the year 2020-2021.

- In the prospectus of respondent college for admission to MD/MS course 2019-20, it was categorically mentioned that this prospectus and fee structure is subject to approval by the state Govt and any change made by the state govt shall be binding on the students.
- On perusal of decision of Hon'ble High Court of HP in CWP No 626 of 2021 Titled as Maharishi Markandeshwar University v/s State of HP and others dated 24.06.2021. It was found that the clause no. 10 and 13 of the notification dated 22.04.2020 issued by the State govt was quashed and set aside by the Hon'ble High Court. However, in this writ petition the students were not the party.

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

- At anytime during admission, the complainants were not apprised of the fact that in case the govt does not approve the fee structure with in specific time frame then the proposed fee structure by the respondent college for approval, which was reflected in the prospectus, will be binding on them. It appears that due to approximately one year delay on the part of the govt in approving the fee structure for the MD/MS for academic session 2019-2022, the higher fee structure, which was proposed by the respondent were imposed on the complainants. Moreover, they were not even made party in CWP No 626 of 2021 Titled as Maharishi Markandeshwar University V/s State of HP and others dated 24.06.2021 and did not get any opportunity to present their grievances despite being the affected party.
- The Commission was the party in the above mentioned writ petition. hence cannot pass any direction in the subject matter, about the fee mentioned in the prospectus 2019.
- In view of the above observations, the complainants may approach the appropriate authority for redressal of their issue/ grievances. The above order shall come into force with immediate effect.

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

Order is uploaded on website of the Commission.

File after completion be consigned to record room.

Announced.

(Major General Anil Kaushik)

(Dr. Shashi Kant Sharma)

Member