

**Before H. P. Private Educational Institutions Regulatory Commission,  
Shimla -171009.**

Case No: 06/2022  
(Review in Case No:06/2022)  
Date of Institution: .....  
Date of Decision **03.02.2023**

**In the matter of Review Petition filed by**

NCFSC Group of Institutions.

*Versus*

.....Petitioner

Suo Moto

.....Respondent

**ORDER**

A review application under section 10(f) of HPPERCA act 2010 was filed by the petitioner requesting to review the order dated 30.11.2022, passed by the Commission on the ground that during the hearing, an application made by the MSME (PDC Meerut) for impleading it as a necessary party, as a respondent in the matter, but the same was not noticed by the Commission and the courses does not fall under the norms of NCTE and hence courses are directly monitored and certified by the MSME-TDS, Meerut and therefore does not require any further permission from any other agency. The petitioner further submitted that he had never received the full amount of fee from the students. Whereas the factual position is that the applicant has received part fee total amounting to Rupees **4, 21550/- (Four lakh twenty one thousand five hundred fifty only)**. It is also submitted by the petitioner that there is nothing on record, which could suggest that the applicant violated any provision of MOU and exceeded its jurisdiction.

The review application was fixed for hearing and Advocates Sh. Rishi Tandon appeared on behalf of the petitioner and argued the matter and relied on the judgement passed by the Hon'ble Allahabad High Court in the case Titled as **Uttar Pradesh Basic Shiksha Vs Shakshi Shukla and others**, where he submitted that 'NTT Course' is **not recognize under appendix 1 and 2 of the recognition (Norms and procedure) regulation 2009.**

The Counsel for the petitioner further submitted that the petitioner did not receive Rs 17, **02,740/- (Seventeen lakh two thousand seven hundred and forty rupees only)** and the penalty amount in Rs34,05,480/- (**Thirty four Lakhs Five Thousand Four Hundred and Eighty Rupees only**) has been wrongly imposed on the petitioner. The Commission directed the petitioner to file an affidavit w.r.t. total amount of fee received from the NTT students in Himachal Pradesh

The petitioner submitted affidavit in which it was mentioned that 86 numbers of students joined the NTT course and deponent received part payment of Rupees amounting to

**Rs. 5, 48,750/-(Five lakhs forty eight thousand seven hundred and fifty rupees only)** from the students enrolled in NTT and Rs 1,19,070/- (**One lakh Nineteen thousand and Seventy Rupees only**) were transferred to MSME –TDS Meerut.

In view of the submission made hereby, the Commission observes, that there is no ground of reviewing the order 30.11.2022, since the order was announced at 11 A.M. on 30.11.2022 and the application for impleading the MSME as the party was received through Email at around 3 P.M after the pronouncement of order and during hearing no such application was received from MSME –TDS Meerut.

The Commission further observes that on perusal of notification dated 28-12-2014, issued by the NATIONAL COUNCIL FOR TEACHER EDUCATION regarding norms and procedure for teacher education programme, it can be inferred that conducting education programmes Diploma in Nursery Teacher (two years) and Nursery Teacher Programmes(one year) are prerogative of NATIONAL COUNCIL FOR TEACHER EDUCATION , after the institutes fulfil the norms and standards as prescribed under the abovementioned notification. Moreover, fee shall be fixed by the State Govt /affiliating body, in accordance with the provision of NATIONAL COUNCIL FOR TEACHER EDUCATION (Guidelines for regulations of tuition fees and other fee chargeable by unaided teacher education institution) Regulation,2002,as amended from time to time, and shall not charge donations capitation fee etc from students. Hence,the judgement on which petitioner is relying which was passed by the Allahabad High Court in case titled as **Uttar Pradesh Basic Shiksha v/s Shakshi Shukla** and others, does not apply in the present matter.

On the basis of affidavit filed by the petitioner w.r.t. the amount of fee received from NTT students (R s **5, 48,750/( Five lakh, forty Eight thousand seven hundred and fifty only)**).The Commission hereby partly allows the review petition under order 47 of CPC, 1908 and impose the penalty of **Rs 16, 46,250/- (Sixteen lakhs forty six**

**thousand two hundred and fifty Rupees only) under section 11 HPPERC act 2010 read with rule 6 (b) of HPPERC rules, 2011 instead of penalty amounting to Rs 34,05,480/- (Thirty four lakh five thousand four hundred and eighty Rupees only).**

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

Announced.

(Major General Atul Kaushik)  
Chairman

(Dr. Shashi Kant Sharma)  
Member