

**BEFORE SHRI SUNIL DUTT SHARMA, HON'BLE MEMBER, H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION SHIMLA-171002.**

**Case No. 10 of 2016
Instituted on 18.6.2016
Decided on: 03.09.2016**

Ms. Shivangi Sharma daughter of Shri Rakesh Sharma, resident of Village Narwana Khas,
P.O. Yol Cantt, Tehsil Dharamshala, District Kangra (HP)-176052

... Complainant

Versus

Nanda Institute of Nursing, Hamirpur road, Una (HP)-174303.

... Respondent

Refund of fees deposited for GNM Course in respondent Institute.

Present: Shri Rakesh Kumar father of Ms. Shivangi Sharma complainant, in person.

ORDER

6. Ms Shivangi Sharma sent a complaint through FAX on 18.06.2016 and stated that she had taken admission in GNM course in respondent Institute in 2015. She had paid a sum of Rs. 73,500/- as fee for the said course. However due to personal reasons and unavoidable circumstances she could not continue her course. **She further stated that respondent institute had kept her original academic certificates and for this reason she could not take admission in any other College or Institute.** She has requested that the amount of admission fee may be got refunded. She also sent copies of receipts alongwith the complaint.

2. Consequent upon receiving complaint, the H.P. Private Educational Institutions Regulatory Commission vide its letter dated 23.06.2016 forwarded the complaint to respondent institute and directed to release the original certificates to the complainant immediately and to process the matter of refund of fee as per UGC Public Notice No. F.No.1-3/2007 (CPP-II) dated 23.04.2007 and compliance was sought within 7 days. Copy of public notice was also sent to the respondent institute. The respondent Institute vide its letter dated 29.06.2016 stated that the complainant had left the institute in between the session. With regard to return of original certificates, respondent institute state that it had not refused for the same. It further sought directions against the complainant to settle the college dues as per High Court directions to the unaided private institutes, copy of which was not supplied alongwith reply. However in response to HP PERC communication dated 26.7.2016, the respondent institute vide its letter dated 1.08.2016 supplied incomplete contents of the judgment of Madurai bench of the Madras High Court (without mentioning Case number, date of decision and the particulars of parties).

3. The case was fixed for personal hearing of both the parties on 4.8.2016 when Shri Rakesh Kumar father of complainant appeared in person but none appeared on behalf of respondent institute. However, a request was received from Dr. P.L. Nanda through email wherein he stated that he was unwell and showed his inability to appear on 4.8.2016. Shri Rakesh Kumar father of the student stated that due to ill health of his daughter (complainant) she could not continue her studies in the respondent institute hence decided to leave the institution. During her ill health, medical assistance was given by the respondent institute in its own hospital i.e. Nanda Hospital Una. On approaching the respondent institute for releasing original certificates the respondent institute refused. He further stated that his daughter had left the Institute in November, 2015 but till date original certificates have not been released to her. He stated that his daughter has lost one year of her career as she could not take admission in any other College in the absence of certificates, as such she is under frustration and mental depression. However Shri Rakesh could not submit any record with regard to medical treatment of complainant. He prayed that fee of Rs. 73,500/- be got refunded to him and the original certificates be got returned to the complainant. The next date in the case was fixed for 9.8.2016 for personal appearance of Principal of respondent institute. There was again email from Dr. P.L. Nanda of respondent institute that due to his ill health he was unable to attend the hearing. HP PERC taking a serious view of non appearance of representative of respondent institute directed Principal of the respondent institute to appear personally on 23.08.2016 and also called upon him to show cause as to why action under the H.P. private Educational institutions (Regulatory Commission) Act, 2010 should not be initiated against him.

4. In the meantime, I have gone through the Case No. 7 of 2012 titled Pt. Gauri Shankar Memorial Polytechnic Bakhalag, Tehsil Arki District Solan where it was decided, "henceforth all the institution(s) of private higher education in the state after scrutiny/ verifying the original certificates at the time of admission, the institutions should return the same to students on the spot and photocopy thereof be retained with the Institution(s) for record and any further action, as may be required."

5. Upon receiving the notice Dr. Nanda called undersigned telephonically and stated that complainant had attended the college and in between left the same and stuck to his claim as communicated through his letter dated 1.08.2016. Dr. Nanda was made aware that the respondent institute has violated orders of HP PERC passed in Case No. 7 of 2012 titled Pt. Gauri Shankar Memorial Polytechnic Bakhalag, Tehsil Arki District Solan which were duly communicated to all the Private medical/Dental/Engineering & Technology/ Management College/Degree Colleges/Affiliated Associated Sanskrit Colleges in the State of Himachal Pradesh vide letter dated 26.2.2013, as such action under the provisions of H.P. private Educational institutions (Regulatory Commission) Act and Rules framed thereunder is attracted. Due to retaining the original certificate with the respondent institute, complainant lost important time of her future/career. Dr. Nanda agreed that he was ready and willing to refund an amount of Rs. 48,925/- after proportionately deducting the fee of Rs. 24,575/ (on account of Admission charges: Rs. 7500/-, IFD Charges Rs. 4550/-, Tuition Fees Rs. 4500/-, Hospital attachment Rs. 1275, Hostel Fees Rs. 1500/- and Mess Fees Rs. 5250/-). He further stated that only Matriculation certificate in original is lying with the institute and he was ready and willing to return the same. In respect of 10+2 certificate he stated that it was a Net copy and no original certificate of 10+2 class was ever submitted by

the complainant with the respondent institute. The proposal given on telephone by Dr. Nanda was considered and it was felt that refund of Rs. 48,925/- after deducting Rs. 24,575/- seems to be appropriate, therefore, Dr. Nanda was directed to refund the proposed amount and return the original matriculation certificate of the complainant through HP PERC. The respondent institute through its letter dated 17.08.2016 returned original Matriculation Certificate and also sent a cheque No. 732442 dated 17.08.2016 for a sum of Rs. 48,925/- in favour of Shivangi Sharma drawn on The Kangra Central Co-Operative Bank Limited, Regional Hospital Una District Una (HP). Shri Rakesh Kumar father of the complainant attended office of HP PERC on 31.08.2016 and received original cheque as well as original Matriculation Certificate. Shri Rakesh Kumar stated that he was satisfied with the amount and return of the original certificate.

6. The case is closed. However, respondent institute be warned that in case any violation of HP PERC order in returning the original certificate(s) of qualifying examination taken at the time of admission/counselling is committed by the respondent institute in future, the same shall be viewed seriously.

Copy of the order be supplied to parties in case specifically requested.
Order be hosted on the website of the HP PERC.
File after completion be consigned to record room.

Announced.

Sd/-
(Sunil Dutt Sharma)
Member