

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

Case No. 28 of 2016

Date of Institution: 3.10.2016

Date of Preliminary Orders: 20.10.2016

Date of Review Orders: 19.11.2016.

Date of Final Orders: 07.02.2017.

In the matter of:

Maharaja Agrasen University, Atal Educational Hub, Village Kalujhanda, Barotiwala, Tehsil Baddi, District Solan (HP) through its Registrar Shri Ajay K. Poddar.

Present: Shri Ajay K. Poddar, Registrar and Prof. (Dr.) Samiya Tabasum, Deptt of Law of Maharaja Agrasen University.

FINAL ORDERS

- Consequent upon the disclosure of information with regard to admission for the Academic Session 2016-17 made by Maharaja Agrasen University through online, via e-samvad software /by uploading on the website of the University, it was prima facie found that the University had admitted 21 students in different courses in violation of the admission norms prescribed by the Central/ State Regulatory Bodies and the Registrar of the University was called upon to explain the position on 20.09.2016. After submission of documents, admission in respect of three students namely Shri Shubham Rana (his name was wrongly mentioned in the list of B. Tech whereas he was admitted in BHMCT), Ms. Little Luthra (her result was declared by MAU) and Mr. Lalit Kumar (his result declared by LPU) was regularised whereas in respect of following students, the University could not produce any satisfactory record and matter was fixed for hearing before me on 20.10.2016 when the decision against each admission was taken as follows:

Sr. No.	Name of Student	Course in which admission given	Criteria of admission adopted by University.	Decision of HP PERC taken on 20.10.2016.
1.	Mahima Sharma	B. Pharmacy	AICTE handbook i.e. 45% in General Category and 40% in reserved category.	The University has deviated from the norms fixed by AICTE wherein it has clearly been mentioned that besides possessing 45% and 40% marks in respective categories for admission in B. Pharmacy, the student has to qualify at the

				Entrance Test conducted by the Competent Authority. Hence this admission has been cancelled.
2.	Ms. Manju Dhatwalia	LLM	Provisional as the result was awaited from HPU.	Now resulted declared and copy of marks sheet submitted, hence admission has been regularised.
3.	Shri Mandeep Tanwar	LLM	-do-	-do-
4.	Shri Amandeep Singh	MBA	AICTE handbook i.e. 50% in General Category and 45% in reserved category.	The University has deviated from the norms fixed by AICTE wherein it has clearly been mentioned that besides possessing 50% and 45% marks in respective categories for admission in MBA, the student has to qualify in CMAT conducted by AICTE or other recognized test, which is lacking in the instant case. Hence this admission has been cancelled.
5.	Ms. Kiran Bala	-do-	-do-	-do-
6.	Sh. Aman Sharma	-do-	-do-	-do-
7.	Ms. Shilpa Kumari	-do-	-do-	-do-
8.	Sh. Rohit	-do-	-do-	-do-
9.	Ms. Manpreet Kaur	-do-	-do-	-do-
10.	Ms. Pritima Kumari	-do-	-do-	-do-
11.	Ms. Shalini Gharu	-do-	-do-	-do-
12.	Sh. Vaibhav Goel	-do-	-do-	-do-
13.	Sh. Pankaj Chandel	MTTM	Provisional, as result not declared by HPU	The result has now been declared and copy of gazette notification of BTA 6 th Semester Exam result June 2016 as

				down loaded from the website of HPU has been submitted, hence admission regularized.
14.	Ms. Poonam Kumari	-do-	-do-	-do-
15.	Shri Anshul Thakur	-do-	-do-	-do-
16.	Shri Amit Kumar	-do-	-do-	-do-
17.	Shri Vipin Kumar	-do-	-do-	-do-
18.	Ms. Sapna Kumari	-do-	-do-	-do-

2. In view of the decision rendered above, and taking lenient view in the first instance, the University was directed to refund entire fee of the students whose admission has been cancelled i.e. mentioned against Sr. No. 1 and 4 to 12 immediately and complete particulars of refund i.e. name of student, amount, mode of refund, receipt of payment acknowledged by each student and copy of bank account statement (in case cheques are issued to students) were directed to be furnished to the HP PERC within 15 days from the date of decision, in default the HP PERC has made it clear that it shall invoke relevant provisions of H.P. Private Educational Institutions (Regulatory Commission) Act, 2010 and the Rules framed thereunder.
3. The University vide its letter dated 8.11.2016 requested for reconsideration of the matter on the plea that entrance test was conducted by the University for such admissions, which plea was not raised during previous proceedings before passing Preliminary Orders. Moreover the test has been shown to be conducted by the University itself which is in contraventions to the provisions of Section 31 (2) of the Private University Act and cannot be accepted and Review Orders were passed on 19.11.2016. Moreover the time period for compliance had already expired on 11.11.2016. However, at the time of passing Review Orders, lenient view was again taken and the University was directed to comply with the Review Orders dated 19.11.2016, failing which relevant provisions of H.P. Private Educational Institutions (Regulatory Commission) Act, 2010 and the Rules framed thereunder were intended to be pressed in service.
4. The University instead of complying with the Preliminary Orders is time and again coming to the HP PERC with the plea of again reviewing the orders on the same grounds and has been found to be gaining time. The representatives of the University on the day of making presentation for seeking approval of courses on 11.01.2017 were directed to comply with the Review Orders. At the point of time the representatives of the University had assured that compliance shall be reported by next day i.e. by 12.01.2017 but no compliance was received by HP PERC. Instead of reporting compliance the University vide its letter dated 27.01.2017 received through email stated that the students' admission against cancelled admission had given semester end examination in the month of December, 2016 and have progressed to 2nd semester. The University requested to regularize admission of these students on the basis of admission process which was adopted for academic year 2015-16. It has further admitted, "The University however, undertakes herewith that from the next

academic year, the students will be admitted through a national level test.” The University has admitted its fault of not following the entrance test criteria. Receiving such an unexpected communication from the University, the University vide communication dated 28.01.2017 read with communication dated 03.02.2017 was directed to furnish details of fee received from such 10 students whose admissions were cancelled and further directions were issued not to charge any fee till further orders and the case for submission of such documents and personal hearing was fixed for 7.02.2017. Shri Ajay K Poddar Registrar of the University alongwith Dr. V.K. Vats, Shri Hitesh Thakur and Shri Pankaj representatives of the University appeared in person. Shri Ajay Kumar Poddar stated as under:

“I, Ajay K Poddar Registrar do hereby state that I alongwith other representatives of the University appeared before Shri Sunil Dutt Sharma, Hon’ble Member, HP PERC on 7.2.2017. It is stated that when HP PERC asked for compliance of orders dated 19.11.2016 it was informed that no such orders were received by the University. However HPPEREC indicated that such orders are already on the website of the HP PERC. The University could not look for the orders on the website of HPPEREC, however copy of such orders was emailed by HPPEREC on our request which was received on 3.1.2017. Due to such communication gap, compliance of the orders dated 19.11.2016 could not be reported for which I tender unconditional apology, which may be accepted. It is further stated that out of 10 admissions two students have already left the University. The details of fee charged from 9 students has been furnished to HP PERC today itself. One student had not paid any admission fee. It is further stated that the University shall refund the entire fee in respect of 9 students within a week’s time and details of such students shall be furnished within another one week. The apology tendered by me be accepted and no penalty be imposed upon the University. It is undertaken that in future the University shall abide by the orders passed by HP PERC and all the admissions shall be made in accordance with the guidelines/ norms fixed by Regulatory Bodies/ State Government.” As per documents submitted by the University on 7.2.2016 details have been furnished as under:

Sr.No.	Name of Student	Courses in which admission given	Fee prescribed by HP Govt.
1.	Mahima Sharma	B. Pharmacy	Rs. 58000/-
2.	Sh. Amandeep Singh	MBA	Rs. 39600/-
3.	Ms. Kiran Bala	-do-	Rs. 46750/-
4.	Sh. Aman Sharma	-do-	Rs. 68600/-
5.	Ms. Shilpa Kumari	-do-	Rs. 60500/-
6.	Sh. Rohit	-do-	Rs. 10800/-
7.	Ms. Manpreet Kaur	-do-	Rs. 36900/-
8.	Ms. Pritima Kumari	-do-	Rs. 40000/-
9.	Ms. Shalini Gharu	-do-	Rs. 33400/-
10.	Sh. Vaibhav Goel	-do-	Rs. 0.00

5. It is conclusively proved that the University has taken fee of Rs. 3,94,550 from above mentioned students. However in view of the statement made by Registrar of the University supported by compliance of orders dated 19.11.2016, the HP PERC is again taking lenient

view and not invoking provisions of HP PERC Act and Rules for imposing penalty, as such the following orders are passed.

- (a) The admission of all the 10 students mentioned in para-4 of the order is hereby cancelled.
- (b) Maharaja Agrasen University is directed to refund the actual fee deposited by each student mentioned in 4 of the Order to respective students which cumulatively works out to Rs. 3,94,550 within a period of one week hereof, compliance alongwith full details should reach HP PERC within next one week's time i.e. maximum by 22.02.2017. Photo copies of cheques issued and residential addresses of the students be furnished.
- (c) The University shall not make any admission in contraventions to the norms fixed by Regulatory Bodies/ State Government in future also.

Copy of the orders be supplied to the University today dasti.

Orders be hosted on the website of the Commission.

File after completion be consigned to record room. In default, the case file be put up for further orders.

Announced in open Court.

Sd/-
(Sunil Dutt Sharma)
Member