

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

Case No. : 33 of 2016
Date of Institution: 04.10.2016
Date of Preliminary Orders: 07.11.2016
Date of Review Orders: 19.11.2016.

In the matter of:

IEC University Atal Education Hub, District Solan (HP) through its Registrar.

Present: Dr. Gagan Kumar (Dean Academics Affair), Dr. Sanjeev Mittal (Dean PG Studies) and
Er. Randip Singh (HOD CSE) in person.

REVIEW ORDERS

Consequent upon the disclosure of information with regard to admission for the Academic Session 2016-17 made by IEC 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 119 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 19.09.2016 when Dr. Gagan Kumar (Dean Academics Affair), Dr. Sanjeev Mittal (Dean PG Studies) and Er. Randip Singh (HOD CSE) attended office of HP PERC. After examination of documents submitted by them, the violation in the case of 109 students were settled who were given provisional admission on account of RLA, RLD and RLF. Violation in respect of remaining 10 students could not be satisfactory explained and the matter was fixed for hearing before me on 14.10.2016 when the above mentioned representatives appeared in person and decision against each admission was passed to the following effects:

Sr. No.	Name of Student	Course in which admission given	Criteria of admission adopted by University.	Decision of HP PERC taken on 14.10.2016.
1.	Shri Balwinder	B. Pharmacy	The University made admission on the basis of minimum qualification for admission to B. Pharmacy being 10+2 as notified in B. Pharmacy course regulation 2014 dated 10.12.2014.	AICTE norms prescribe 10+2 pass with physics and Chemistry as compulsory subjects alongwith one of the Mathematics/ Biotechnology/ Biology obtaining 45% marks (40% in case of candidate belonging to reserved category) in the

			<p>above subjects taken together subject to qualifying at the Entrance Test conducted by the Competent Authority.</p> <p>The HP State Government vide its notification dated 13.8.2015 prescribes basis of merit of HPCET of the corresponding year. In case the seats remain vacant after exhausting the merit of HPCET, the remaining seats will be filled up on the basis of merit of 10+2 examination conducted by a recognised Board/ University i.e. 55% and 50% in open and reserved categories respectively.</p> <p>The Pharmacy Council of India vide its notification dated 10.12.2014 prescribed pass marks in 10+2 examination conducted by respective state/ central government authorities recognized as equivalent to 10+2 examination with English as</p>
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				<p>one of the subjects and Physics, Chemistry, Mathematics/ Biology as optional subjects individually.</p> <p>“However, the students possessing 10+2 qualification from non-formal and non-class rooms based schooling such as National institute of Open Schooling, open school system of States etc. shall not be eligible for admission to B. Pharm course.</p> <p>In view of different norms prescribed by three different authorities there is uncertainty as to whether which norm has rider to others. The matter needs to be taken up with PCI, AICTE and the State Government for prescribing standard norms. However for the present the admission is ordered to be regularised, if it meets the desire of PCI notification dated 10.12.2014.</p>
2.	Shri Bharagt	B. Pharmacy	-do-	-do-
3.	Shri Karan	B. Pharmacy	-do-	-do-
4.	Shri Ram	MBA	On the basis of	Representatives

			test conducted by H-PUMA	of the University were directed to produce Registration Certificate, list of members and Bye-laws of H-PUMA registered under Societies Registration Act within a week's time to ascertain the status of H-PUMA. However they failed to submit any document, hence the admission is cancelled.
5.	Shri Deepak	MBA	-do-	-do-
6.	Shri Dhanjay	MBA	-do-	-do-
7.	Shri Gursheen	MBA	-do-	-do-
8.	Shri Ajeet	MBA	-do-	-do-
9.	Shri Gurpreet	B. Tech (Civil)	-do-	-do-
10.	Shri Ankit	B. Tech (CSE)	-do-	-do-

In view of the decision rendered above, the HPPEREC vide its Preliminary orders dated 7.11.2016 had directed the University to refund entire fee of the students whose admission had been cancelled i.e. mentioned against Sr. No. 4 to 10 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 were issued to students) were directed to be furnished to the HP PERC within 15 days from the date of decision and in default the HP PERC had made it clear that it would invoke relevant provisions of H.P. Private Educational Institutions (Regulatory Commission) Act, 2010 and the Rules framed thereunder. The University was further directed to submit copies of 10+2 examination certificates in respect of students mentioned against Sr. No. 4 to 10 within 15 days for examination by HP PERC.

The University vide its letter dated 16.11.2016 followed by letter dated 18.11.2016 requested for review of Preliminary Orders dated 7.11.2016 on the test conducted by H-PUMA which was already considered by the HP PERC before issuing preliminary orders in the case. However, the University supplied photo copies of draft by-laws of H.P. Private Universities Management HP PUMA, copy of Memorandum of Association and copy of Rules & Regulations. Copy of the draft bye-laws did not carry any signature of either office bearers or the registering authority. The photo copy of Memorandum of Association carries signature varying in numbers i.e. on some pages only four signatories and in some pages 10 signatories when there were only 6 members of the proposed Society. The University did not supply copy of Registration Certificate of the Registrar of Societies. Representative of the University Shri Hardyal who handed over letter dated 18.11.2016 personally was directed to inform the University that (1) Copy of by-laws of H.P.

Private Universities Management (2) copy of Memorandum of Association and (3) copy of Rules & Regulations should be supplied containing signatures of Registrar of Societies besides supplying copy of Registration Certificate of Society. These documents were directed to be supplied by 19.11.2016, as 22.11.2016 was the last date for complying with the Preliminary orders passed by HP PERC. The University, however, failed to supply the requisite documents within the timeframe allowed. However, from the perusal of constitution of the Society it is evident that there are 6 members of the Society viz. (1) Baddi University of Emerging Sciences & Technology (2) Chitkara University (3) Bahra University, (4) Arni University (5) APG Shimla University and (6) Maharaja Agrasen University. As per law laid down for formation and registration of a Society there should be atleast 7 members which is a mandatory requirement. The University did not supply copy of Registration Certificate obviously may be on account of the fact that this Society "H-PUMA" has never been formed and registered with the Registrar of Societies as it did not fulfil the requirement of Society Registration Act (Act XXI of 1860) being short of one member. Moreover the H.P. Registration of Societies Act 2006 was in force at the time of proposed formation and registration of H-PUMA Society in the year 2012. Furthermore if the draft by-laws of H-PUMA is given bare reading it has proposed for the purpose of member of the Society "Any member of the Management of the University as nominated by it". The intents and purposes of the proposed society were to form a Society (H-PUMA) of management of the Universities and not the Universities. Therefore, on this count also the plea of University to invoke provisions Section 31(2) of the Private Universities Act is nullified. The whole exercise of the University to grant admission on the basis of the test conducted by so called H-PUMA is hereby declared null and void and inoperative for the purpose of making admission in the University.

The request for review of preliminary order dated 7.11.2016 is hereby rejected for reasons mentioned above. However, it has been established that the University is delaying implementation of the preliminary orders either one pretext or the other, the period of which is expiring on 22.11.2016. In order to afford more time for implementation of preliminary orders, in view of request for review of orders and decision rendered thereupon, the University is directed to comply with the preliminary orders by 26th of November, 2016 failing which provisions of H.P. Private Educational Institutions (Regulatory Commission) Act, 2010 and the Rules framed thereunder shall be invoked.

Copy of the orders be supplied to the University.

Orders be hosted on the website of the Commission.

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

Announced

Sd/-
(Sunil Dutt Sharma)
Member