

Before Dr. S.P. Katyal, Member, H. P. Private Educational Institutions Regulatory Commission, Shimla -171009.

Case No: 14/2018

Date of Institution: 28/08/2018

Date of Decision:15/11/2018

In the matter of:

Rishibhasheesh.

.....complainant.

Vs.

Astha College of Education, Hatkot, (Kunihar) Tehsil Arki, Distt. Solan (H.P.) Pin-173207.

.....Respondent.

ORDERS

Himachal Pradesh Private Educational Institutions Regulatory Commission received a complaint from Ms. Rishibhasheesh D/o Sh. Rajender Kumar, Village Chilyavly, Post Office Kunihar, Tehsil Arki, Distt. Solan-1732017 against Aastha College of Education, Hatkot, P.O. Kunihar, Tehsil Arki, Distt. Solan (HP) -173207 on 07.04.2018 stating that she was charged more fees by Aastha College of Education than that determined by the fee structure of the University. A notice was served on 16.04.2018 vide letter No.HPPERC/256/Aastha College of Edu. /2012-154 to take necessary action in the matter.

A response from Aastha College of Education to this notice was received on 04.05.2018 vide their letter No.ACE/SVS/B.Ed/2018-1312 dated 24.04.2018 in which they refuted the charge of charging excess fee from the complainant but without any supporting evidence.

Principal of Aastha College of Education was directed to appear before the Commission on 25.05.2018 by serving a notice HP-PERC/256/Aastha College of Edu./2012-623 dated 11.05.2018 alongwith supporting documents i.e. cash book, receipt book and other

related documents. The complainant was also served a copy of this notice. A response to this notice was received from Aastha College of Education in the form of an email stating their inability to appear before the Commission due to ongoing inspection to remove deficiencies as suggested by SIT constituted by Hon'ble Supreme Court of India and requested for another date. The request of Aastha College of Education was acceded to by the Commission and another date was fixed for 22.06.2018, as requested by College and the intimation of the same was also sent to the complainant.

Representative of Aastha College of Education appeared on 22.06.2018 with their documents but the complainant was not present so the issue could not be resolved and was fixed for 04.07.2018. Both the parties informed their inability to attend the hearing on 04.07.2018, so both the parties were directed to be present on 27.07.2018. None appeared on behalf of Aastha College of Education.

As the Principal was avoiding his presence in the Commission for resolving the issue in spite of being given ample opportunities hence it was pertinent in the interest of providing justice to the complainant to institute the case under Section 10 (1) and was listed as Case No. 14 of 2018 for 28.08.2018 communicated through notice letter No.HPPERC/ Case No. 14 of 2018-3126 dated 09.08.2018. None appeared. Hearing was fixed for 04.10.2018

On 04.10.2018 a communication from Aastha College of Education was received that they had asked the complainant Ms. Rishibhasheesh to come to college to receive her requisite dues but she did not turn up. Hearing was fixed for 16.10.2018.

The points for consideration were:-

- (i) Whether Complainant Ms Rishibhashish was a student of Aastha College of Education in B.Ed. for the session 2015-17.
- (ii) Whether the Aastha College of Education charged the fee as per the fee determined by the duly constituted authorized committee for the purpose or more than that

Notice vide letter No. HP-PERC/Case No. 14 of 2018 -5710-5711 was issued to Aastha College of Education for clarifying whether the refund has been made to the student or not? And the case was fixed for 30.10.2018. None appeared.

Findings

As per the documents submitted by complainant it was proved the she was a student of B.Ed in Aastha College of Education in the Session 2015-17 and the same was not contested by the College so (i) It was settled that complainant was a student of the Aastha College of Education in B.Ed. in the session 2015-17 (ii) As per the receipts submitted by the complainant it was evident that she paid a some of Rs.1,00,000 to the College. As per the Documents submitted by the College the fee chargeable was Rs. 92,235. It was evident that she was charged an excess of Rs. 7,765 and the same was not contested by the College.

Therefore it was proved that the complainant was charged more fee than that decided by the fee determining committee to which the college should have abided by. Therefore complainant is entitled to get back Rs.7765/- Further the submission of Principal that complainant has not come to claim the refund was not found tenable, as otherwise the complainant would not have lodged complaint with the Commission

Respondent was directed to come with a Bank Draft in the name of complainant for an amount of Rs. 7700/- on the next date of hearing i.e. on 15.11.2018.

On 15.11.2018 none appeared however as directed by the Commission, College deposited a Bank Draft of SBI No. 169648 amounting to Rs. 7700/- favouring Complainant.

It was taken on record.

Issue of excess fee charged from the Complainant was settled Bank Draft be forwarded to the Complainant and after receiving a receipt from her the same be forwarded to the College for records.

Announced.

SD/-
(Dr. S.P. Katyal)
Member