

BEFORE DR K K KATOCH, HON'BLE CHAIRMAN, H.P. PRIVATE EDUCATIONAL INSTITUTIONS REGULATORY COMMISSION, SHIMLA-171009.

Review Case No. 5(A)/2018  
Date of Institution: 30.01.2018  
Date of Order: 09.05.2019

**In the matter of:**

Maharishi Markandeshwar University, Kumarhatti, District Solan (HP)-173 229, through its Registrar ... Revisionist/Petitioner

Versus

Rajinder Kumar Bansal r/o Jeet Automobiles, Railway Road, Tohana, District Fatehabad. ...Complainant / non-Revisionist

**Present:**

**For the petitioner : Shri Ajay Singal, Registrar, MMU, Solan.**

**For the respondent : None for complainant / non-revisionist**

**ORDER**

The petitioner filed review petition against the Order dated 03.01.2018 passed by H.P. Private Educational Institutions Regulatory Commission (henceforth called HPPEREC) in Case No. 05 of 2017 titled Rajinder Kumar Bansal Vs. Maharishi Markandeshwar University, Kumarhatti, District Solan (HP)-173 229. While making submissions against the order of HPPEREC, the petitioner herein stated as under:

1. The petitioner has not collected any fee for 2<sup>nd</sup> year nor has the same been deposited by any student.
2. Regarding release of Bank Guarantees, the petitioner has come up with the same pleas which were considered by the HPPEREC before passing Order dated 03.01.2018.
3. Regarding preparing its own Prospectus for future, the petitioner has come up with the same pleas which were considered by the HPPEREC before passing Order dated 03.01.2018.

On receipt of the review petition both the parties were summoned. Copy of Review application was supplied to the respondent. The respondent filed reply through email and agitated the pleas of petitioner. During the course of hearing, the petitioner was directed to submit (a) copy of Common Counseling Prospectus of HPU for the year 2017, and (b) copy of proceedings regarding Prospectus

Review Committee dated 15.06.2017 and status of the decision of the State Government for charging of the Bank Guarantee incorporation in the Prospectus. The petitioner filed copy of Proceedings of the Meeting of the Prospectus Review Committee held on 15.06.2017 under the Chairmanship of Dr. Anil Chauhan, Director Medical Education & Research, H.P. Shimla-171009. Extract of Item No.6 is reproduced as under:

“The representative of the MMU-MM Medical College & Hospital, Kumarhatti, Solan filed objection during the meeting that they had filed an Appeal for review of aforesaid fee fixation and bank guarantees to the Government of H.P. vide their letter No. MMU-16/HP/2017/76 dated 31.3.2017 and the same is pending for decision.”

The proceedings of the meeting of Prospectus Review Committee (MBBS/BDS) held on 15.06.2017 was approved by the Government vide its letter No. HFW-B(B)15-4/2017 dated 27.06.2017 whereby Counseling Prospectus for the session 2017-18 was attached. Under Chapter III clause 1(d) while approving distribution of seats in the case of MM Medical College & Hospital, Solan as approved by the Govt. Of H.P. vide letter No. HFW-B(F)11-3/2014 dated 23.06.2016, a foot note appears viz. *“Maharishi Markendeshwar Medical College, Kumarhatti, Distt. Solan has not affiliated with the Himachal Pradesh University, Shimla and as such the University and the Counseling Committee shall, in no way be responsible, if any consequences/ queries whatsoever will arise at later stage with regard to affiliation/ recognition of the course including free structure etc. at the college level. However, this college has been included in the prospectus only for the purpose of making arrangement for allotment of seats through Centralized Counseling Committee on the basis of merit of qualified candidates of NEET-UG-2017 drawn by the University as per directions of the Govt. of H.P. vide notification No. HFW-B(B)-12-4/20-13-I-Loose (Part) dated 15.03.2016 and subsequent corrigendum of even number dated 19.03.2016 as well as directions of the Govt. of India, Ministry of Health and Family Welfare (Medical Education Policy), Nirman Bhawan, New Delhi vie letter No. V.11011/1/2015-MEP (Pt.) dated 10<sup>th</sup> March, 2017. This college is permitted by the Medical Council of India with intake capacity of 150 seats for the academic*

session 2017-18 on year to year renewal basis under Maharishi Markandeshwar University, Solan”.

Under Chapter-III clause 1(e) i.e. fee structure: reference of Bank Guarantee has been made under sub clause (ii) as, “The fee shall be charged in two equal half yearly installments by the college concerned. However, the parent / students shall have to furnish bank guarantee equal to the fees upto 2<sup>nd</sup> year at the time of admission in the college.” Sub clause (iv) envisages, “the above fee structure is subject to any change by the Govt. of H.P.”

Perusal of the Counseling Prospectus submitted by the petitioner reveals that the Government Medical Colleges are not demanding any Bank Guarantee. Moreover the fee charged is nominal. Fee Structure of Government Medical Colleges and Private Medical colleges for first year are reproduced for comparison purpose:

Sr. No	Particulars	Government Medical College	MM Medical College & Hospital, Kumarhatti, Solan	
1.	Tuition Fee	60,000/-	IRDP/BPL Candidates	Rs. 44,000/-
	-	-	State Quota	Rs. 5,50,000/-
	-	-	Management Quota	Rs. 10,39,500/-

Perusal of the above table clearly shows that the petitioner University on the one hand is charging handsome fee (however, approved by the State Government keeping in view the sustenance of the University) and on the other hand demanding Bank Guarantee which is not payable in the case of Government Institutions.

There is no justification in demanding/ collecting Bank Guarantee from the students. Hence, the order already passed by the HPPERC in Case No.5 of 2017 is justified.

In view of above, the issue with regard to collection of advance fee for 2<sup>nd</sup> year stands satisfied. The rest of the directions issued by the HPPERC against Sr. No.(2) and (3) under para 12 of the Order on 03.01.2018 are to be complied

by the petitioner herein. Sub para (2) under para-12 of the Order dated 03.01.2018 is partially amended to the effect that the Bank Guarantee in all the cases be returned to the parents/ guardians /students (whosoever has tendered the same) through Registered Post accompanied by **No Objection Certificate** to the effect that the University has no objection for liquidating / revoking the Bank Guarantee by the tenderer. Due to proceedings in review filed by the petitioner, more than one year has already been over and the compliance date deserves to be extended. Therefore, in view of the disposal of Review Petition on 09.05.2019, the compliance period is extended up to 07.06.2019 by which the compliance be made positively, rest of the terms and conditions of Order dated 03.01.2018 remaining the same.

Copies of the Orders be supplied to both the parties.

Copies of the Orders be also supplied to the following:

1. The Pr. Secretary (Health) to the Govt. of Himachal Pradesh, Shimla-171002 for information and necessary action.
2. The Principal Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-171002 for information and necessary action.
3. The Director, Medical Education & Research, SDA Complex Kasumpti, Shimla-171009 for information and necessary action.
4. The Registrar, Himachal Pradesh University, Summer Hill, Shimla for information and necessary action.

Orders be uploaded on website of the Commission.

In default of the compliance of the orders, the case file be submitted on 10.06.2019 for imposing penalty on the respondent.

**Announced.**

**Sd/-**

Dated: May 09, 2019

(Dr. K.K. Katoch)  
Chairman