

**Before H. P. Private Educational Institutions Regulatory Commission,  
Shimla -171009.**

Case No: 12/2020

(Review in Case No. 12/2018)

Date of Institution: 06.10.2020

Date of Decision: 16.03.2021

In the matter of Review Petition filed by Modern Education College, Annadel, Shimla-171003.

.....Petitioner

*Versus*

Ankita Thakur & others

.....Respondents

**ORDERS**

A review application filed by Aman Parth Sharma, Ld. Counsel for Modern Education College, Shimla (HP)-171003 against the orders passed in case No. 12 of 2018 in the matter **Ankita Thakur & others versus Modern Education College, Annadel, Shimla-171003** in which he submitted that the verdict announced on 27.06.2020 was based upon misconception of facts and law.

As the review application allowed by the Commission and the matter was fixed for hearing on 16.10.2020. Chairman Sh. J S Rana alongwith Sh. Aman Parth Sharma, Ld. Counsel for the college personally appeared on behalf of Petitioner College and none appeared for respondents. During proceeding, Petitioner was directed to submit the copies of fee notifications issued by the Govt. of Himachal Pradesh for the academic session 2015-16, 2016-17 & 2017-18 alongwith the Admission Register and Fee Register / Receipts of Fee received by the petitioner from the respondents during the whole course on next date of hearing i.e. 23.10.2020. Petitioner submitted the above mentioned documents on 23.10.2020 and subsequent hearings before the Commission. On dated 02.02.2021, petitioner was further directed to submit the copies of Cash Book and Bank Statement for the period of 2015-2017 but the petitioner failed to submit the same during the subsequent hearings dated 23.02.2021 03.03.2021 before the Commission and finally Commission decided to reserve the orders in the said matter on 03.03.2021.

After hearings and scrutiny of all the relevant documents submitted by the parties and received from H. P. University, Shimla, the Commission is of the considered view that the

orders passed in case No. 12 of 2018 titled Miss Ankita Thakur & others versus Modern Education College, Annadale, Shimla-171003 dated 27.06.2020 shall upheld with changes and directions regarding refund of excess fee shall also prevail except deduction of 10% levy charges @ Rs. 3575/- (as borne by the present petitioner for one year at Table-I) & 7150/- (as borne by the present petitioner for two years at Table-II) as well as fee already refunded by the college as per detail given below:

1. List of students admitted through centralized counselling as per record procured from the H P University, Summerhill, Shimla and whose 1<sup>st</sup> year levy charges have been deducted at University level and 2<sup>nd</sup> year at College level:

Sr. No.	Name of respondents	Roll No.	Actual Fees as per letter dated 30.05.2013 & 22.05.2017	Fee received as per fee receipt register alongwith receipts submitted by the respondents	10% levy charges as per HPU Notification dated 20.09.2016	Fee collected (5-6)	Excess fee charged (4-7)	Fee refunded by the College as per their record.	Excess amount payable to the students (8-9)
1	2	3	4	5	6	7	8	9	10
1	Sakshi	940	85085.00	93500.00	3575.00	89925.00	4840.00	4645.00	195.00
2	Vandana	925	85085.00	93500.00	3575.00	89925.00	4840.00	1365.00	3475.00
3	Bandna	904	85085.00	93500.00	3575.00	89925.00	4840.00	4165.00	675.00
4	Meenakshi	926	85085.00	93500.00	3575.00	89925.00	4840.00	1365.00	3475.00
5	Pooja	921	85085.00	93500.00	3575.00	89925.00	4840.00	1365.00	3475.00
6	Sushma	938	85085.00	93500.00	3575.00	89925.00	4840.00	365.00	4475.00
7	Ankita Thakur	939	85085.00	93500.00	3575.00	89925.00	4840.00	2665.00	2175.00

2. List of students admitted directly by the college whose levy charges for both years have been borne by the present petitioner

Sr. No.	Name of respondents	Roll No.	Actual Fees as per letter dated 30.05.2013 & 22.05.2017	Fee received as per fee receipt register alongwith receipts submitted by the respondents	10% levy charges as per HPU Notification dated 20.09.2016	Fee collected (5-6)	Excess fee charged (4-7)	Fee refunded by the College as per their record.	Excess amount payable to the students (8-9)
1	2	3	4	5	6	7	8	9	10
1	Priya Kumari	930	85085.00	97075.00	7150.00	89925.00	4840.00	1365.00	3475.00
2	Deepika Rawat	901	85085.00	97075.00	7150.00	89925.00	4840.00	0.00	4840.00
3	Dinesh Sharma	903	85085.00	97075.00	7150.00	89925.00	4840.00	865.00	3975.00

4	Suresh Kumar	915	85085.00	96750.00	7150.00	89600.00	4515.00	0.00	4515.00
5	Maya Ram	916	85085.00	97075.00	7150.00	89925.00	4840.00	365.00	4475.00
6	Hridyesh Sharma	920	85085.00	97075.00	7150.00	89925.00	4840.00	865.00	3975.00
7	Manisha	944	85085.00	97055.00	7150.00	89905.00	4820.00	0.00	4820.00
8	Hemant Kumar	941	85085.00	97075.00	7150.00	89925.00	4840.00	0.00	4840.00
9	Anjana Mehta	Record not found, hence the College is directed to settle her case accordingly.							
10	Sartaj Devi	934	85085.00	82075.00	Not eligible for refund.				

Since, the petitioner college failed to refund the excess fee charged from the present respondents irrespective of H.P. Govt. orders No. EDN-A-Chha(7)-26/2009 dated 22.05.2017 which amounts a clear cut violation of H.P. Govt. order / directions as well as resorted to unethical practices against respondents (who were students) and were forced to initiate proceedings before the H.P. PERC, which cost them unnecessary litigation charges. In view of the above, the Commission hereby pass the following order:

- The present Petitioner shall refund / release the above mentioned amount to the present respondents (students-wise as mentioned in above tables);
- The present petitioner shall bear the cost of litigation to the tune of Rs. 15,000/- and be paid to the present respondents/students;
- Besides this, Petitioner College shall deposit an amount of Rs. 15,000/- as penalty in the bank account of HPPECRC for the violation of State Govt. order dated 22.05.2017;

The above mentioned orders shall comply within 30 days from the date of issue of these orders failing which the interest shall be charged @ 10% per annum from the date of issue of these orders. Matter stand adjudicated, representations / applications, if any, in this matter also stand dispose off.

Announced.

(Major General) Atul Kaushik  
Chairman

(Prof. (Dr.) Kamal Jeet Singh)  
Member