

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

Case No.: 37 of 2016

Institute on: 09.09.2016

Decided on 18.11.2016

Smt. Dilvaru Devi, Junior Engineer (Design) P&I Jal Bhawan, Kasumpti, Shimla-171009

... Complainant

Versus

MNDAV Dental College, Tatul, P.O. Oachghat, District Solan (HP)

... Respondent

Release of original certificates and refund of 2nd year fee of Rs. 75,000/-

Present: Dr. Nitin Reader of DAV Dental College and Hospital in person.
Smt. Dilvaru Devi, complainant in person.

ORDER

1. The complainant vide her letter dated 9.9.2016 stated that her cousin Shri Shivam Saklani sought admission in MNDAV Dental College for undergoing BDS course in the academic year 2009-2010. His registration Number was 09-DSN-37 and class roll number was 14218. After completion of 1 year he could not continue his study due to health problem. The tuition fee for 2nd year amounting to Rs. 75,000/- was deposited with the respondent institute. She visited respondent institute and requested the Principal for refund of fee and return of original certificates which were taken by the respondent at the time of admission. But the respondent institute asked to deposit the tuition fee for remaining year and to take the original certificates thereafter only. When the respondent did not refund the fee and return the original certificates, she approached the H.P. Private Educational Institutions Regulatory Commission for redressal of her grievances.

2. On receipt of the complaint, HPPEREC vide its letter dated 15.09.2016 asked respondent institute to return original certificates to the complainant immediately and directed the respondent to submit detailed comments in the matter of refund of fee deposited by the student. The respondent Institute in its response dated 24.10.2016 stated that balance fee was payable by the student as per Hon'ble Supreme Court judgment applicable in such cases (copy enclosed) and sought direction to the student to collect the certificates after depositing of balance fee. It has further been stated that the respondent has sent the case to DAV Management for the approval of waiving off the balance fee. The HPPEREC not satisfied with the reply of respondent directed the respondent to appear before me on 3.11.2016 on which date Dr. Nitin Reader of DAV Dental College and Hospital appeared in person. He stated that Shri Shivam had taken admission in BDS for the session 2009-10. He paid tuition fee for two years i.e. 2009-2010 and 2010-2011 @ Rs. 75,000/- per year. The College came to know in the year 2011 when the student did not pay any fee that he had discontinued his studies. The college authorities made communication with the parents of the student in this regard. *When questioned about the status of a person suffering from psychiatric problem, Dr. Nitin stated that if a person is undergoing*

psychiatric treatment in the Hospital, it means that such person is undergoing mental disorder or the mental health of the person is not sound. During such period a student cannot undertake proper studies or a person cannot continue with his peaceful life. If proper medical treatment is given to such person, this problem can be medically treated.

With regard to release of original certificates, he stated that nobody came to receive such certificates. After hearing Dr. Nitin, he was apprised that the student namely Shri Shivam is undergoing medical treatment in psychiatric department of PGI Chandigarh since the year 2009 and the said treatment is still continuing. He was shown medical prescription physically and years of treatment have been got noted to him. ***Dr. Nitin was directed to convey to the College authorities that if a student discontinues his studies on compelling medical grounds; fee is required to be refunded, as has been pronounced by me in various orders.*** He was also directed to deposit original certificates of the student with HP PERC and also apprise about the decision of HPPERC for refund of fee to the College Authorities and the next date was fixed for 16.11.2016.

On 16.11.2016 Dr. Nitin Reader of DAV Dental College and Hospital appeared in person. Smt. Dilvaru Devi, complainant also appeared in person. Smt. Dilvaru Devi stated that neither the student nor the parents could file complaint earlier as they were busy in the medical treatment of Shri Shivam Saklani (student). She further stated that when Shri Shivam Saklani felt better and shown his interest to pursue higher studies in the year 2016, it was found that the original certificates were with MN DAV Dental College and the fee of Rs. 75,000/- was also required to be refunded as fee in another college was required to be deposited. In view of such circumstances, the application was moved to the HPPERC on 9.9.2016. Dr. Nitin brought the original certificates i.e. (1) Matriculation Certificate bearing Sr. No. 0735319 (2) Senior Secondary School Certificate bearing Sr. No. 05568 (3) 10+1 examination marks sheet bearing Sr. No. 152238 and (4) bonafide Himachali Certificate dated 5.11.2005. He also brought Cheque bearing No. 437302 dated 16.11.2016 amounting to Rs. 75,000/- drawn in favour of Shri Shivam Saklani in PNB Solan (HP). The above documents/cheque were handed over to HP PERC against receipt issued by the HP PERC. The documents/ cheque tendered are taken on record. Complainant stated that she is satisfied with the refund of fee and return of original certificates. Shri Shivam Saklani and his mother be directed to visit office of the HPPERC for collecting the same against receipt duly executed.

Since the complainant is satisfied with the action taken by HPPERC and the respondent has complied with the Orders passed, the case is closed.

Certified copy of the order be supplied to parties, if requested.

Order be uploaded on the website of the HPPERC

File after completion be consigned to record room.

Announced.

Sd/-
(Sunil Dutt Sharma)
Member