

BEFORE DR S.P. KATYAL, MEMBER, H.P. PRIVATE EDUCATIONAL INSTITUTIONS
REGULATORY COMMISSION, SHIMLA-171009.

Case No.:22 (A) of 2019

Instituted on: 03.07.2019

Decided on: 09.06.2020

In the matter of:

Ms. Saloni Singh d/o Sh. Prem Prem Choudhary, H.No. 48-49, St. No. 9, Bega
Ram Marg, Setia Farm, Sriganganagar, Rajasthan.

.....Petitioner

Versus

Maharishi Markandeshwar University (MMU), Kumarhatti, Solan (HP) 173229.

.....Respondent

ORDERS

A compliant was received from Miss Saloni Singh Choudhary D/o Sh. Prem Choudhary regarding non declaration of the result of MBBS 3rd and 4th year by Maharishi Markandeswar University. During the hearing respondent University produced record of Miss Saloni Singh student of MBBS Course batch 2013-18. According to the documents submitted by the respondnet University Miss Saloni Singh D/o Sh. Prem Singh was admitted to MBBS Course in 2013-14 on merit. As per record submitted by Maharishi Markandeshwar University details of fee paid by her is as under:-

Total Fee Due		Total Fee Paid (datewise)	
2013-14			
Tuition Fee	9,00,000	30.09.2013	3,13,300
Security (one time)	50,000	30.09.2013	96,000
University Charges	18,300	27.12.2013	5,00,000
Dev. Charges	45,000	11.03.2014	2,00,000
Hostel Charges	96,000		
	11,09,300		11,09,300
2014-15			
Tuition Fee	9,00,000	10.06.2014	96,000
University Charges	18,300	05.02.2015	10,00,000
Dev. Charges	45,000		

Hostel Charges	96000		
	10,59,300		10,96,000
		Excess	36,700
2015-16			
Tuition Fee	9,00,000	09.10.2015	96,000
University Charges	18,300		
Dev. Charges	45,000		
Hostel Charges	96,000		
	10,59,300		1,32,700
		Balance Payable	9,26,600
2016-17			
Tuition Fee	9,00,000	Nil	
University Charges	18,300		
Dev. Charges	45,000		
Hostel Charges	96,000		
	10,59,300		
2017-18			
Tuition Fee	9,00,000	Nil	
University Charges	18,300		
Dev. Charges	45,000		
Hostel Charges	96,000		
	10,59,300		
		Total Due Amount	30,45,200

The statement of Miss Saloni Singh through her father was recorded in which he claimed that a sum of Rs. 16,00,000/- was deposited in MMU account through RTGS on 05.09.2014 and again sum of Rs. 7,00,000/- was deposited with MMU on 20.09.2014 through RTGS and claimed that said amount was deposited as a fees for Miss Saloni Singh for her MBBS course. Miss Saloni Singh was directed to file an affidavit which she failed to file before the Commission. Meanwhile Registrar MMU submitted an affidavit and claimed that the said amount i.e. Rs. 16,00,000/- and Rs. 7,00,000/- deposited on 05.09.2014 and 20.09.2014 respectively was deposited on account of fee for Mr. Aman Kumar a nephew of Sh. Prem Kumar Choudhary f/o Miss. Saloni Singh who was admitted in MBBS Course Batch 2014-19 in MMU.

Registrar MMU also submitted that this amount has been properly accounted for in all the records of MMU and receipts pertaining to this have been issued in the name of Mr. Aman Kumar who is also a student of MMU and stated that at the time of deposition of this amount Sh. Prem Singh Choudhary f/o Ms. Saloni Singh directed to deposit this amount as a fee for Mr. Aman Kumar. Registrar MMU submitted that CWP No. 1457 of 2018 in Hon'ble High Court has directed on 25.03.2019 the respondent University to re-verify the record and communicate the petitioner the exact amount of balance fee payable by her as of now. If the petitioner is still dissatisfied, in that event, she will be at liberty to approach the Civil Court because there are disputed question of facts, which cannot be resolved in exercise of writ jurisdiction. The respondent-University shall re-examine the matter and communicate its decision to the petitioner within two weeks and if the matter is resolved to the satisfaction of both the side, in that case, result of the petitioner can be declared and other natural consequences will follow.

Registrar MMU also stated and submitted that special leave petition No. 11,857 of 2019 in Hon'ble Supreme Court has also been decided stating that we do not see any reason to interfere with the impugned judgement of the High Court. The Special Leave Petitions is dismissed. Pending application (s), if any, stand disposed off. As of now there are no petition pending in any court of law regarding this matter. The Registrar MMU submitted that the University has re-verified the record of Miss Saloni Singh and concluded that she has to pay Rs. 30,45,200/- on account of her education fee as per the prospectus and the fee decided by the fee committee for the entire Session 2013-18.

Conclusion:-

From the documents and statements produced before the Commission it is not tenable that Miss Saloni Singh through her father could have deposited Rs. 16,00,000/- on 05.09.2014 and Rs. 7,00,000/- on 20.09.2014 because University neither demanded nor it is mentioned in their Prospectus nor it is as per the fee structure of the Govt. of HP.

Since MMU has accepted and accounted the said amount in their books of accounts and has considered it as the fee amount of Mr. Aman Kumar a student of MBBS 2014-19 batch nephew of Sh. Prem Kumar Choudhary f/o Miss Saloni Singh and no dispute has been raised either by the respondent University or by Mr. Aman Kumar. Hence it is ruled out that Miss Saloni Singh has paid Rs. 16,00,000/- and Rs. 7,00,000/- as a fee of her MBBS Course as she could not provide any evidence for the same except bank transfer in the account of respondent University.

Therefore conclusively this amount cannot be credited to the fee amount of Miss Saloni Singh. The University as per Act 5(iv) conducted examination of all the semesters for Miss Saloni Singh and as per the direction of Hon'ble High Court of HP in CWP 1457 of 2019.

Based on the documents, evidences and statements made before me I am of the considered view that Miss. Saloni Singh a student of MBBS batch 2013-18 has not paid the fee for her education which was duly provided to her by the imparting Institution i.e. MMU. Miss Saloni Singh was a student of MMU within the definition of section 2S and MMU was the University as per its Act Section 2(v) of 2010 and Statute 41(i)(ii). The respondent University was well within its right to demand fee from Miss Saloni Singh as per Section 5(xvii) of the Act of the University. The respondent University as per section 5(i) provided the education to Miss Saloni Singh for MBBS Course batch 2013-18.

The documents submitted by Miss Saloni Singh could prove that she paid Rs. 23,01,300/- only as her MBBS Course. Whereas she should have paid Rs. 53,46,500/- including security as per the prospectus of respondent University for which respondent University was authorized by the fee committee of H.P. Government. Rs. 16,00,000/- and Rs. 7,00,000/- transferred through RTGS in the account of MMU has been accounted as the fee for Mr. Aman Kumar and not the fee accounted for Miss Saoni Singh. Miss Saloni has to pay Rs. 30,45,200/- as per balance fee for her MBBS education to respondent University. Which is versified by the respondent University and documents presented before the Commission testifying the same.

Miss Saloni Singh is directed to pay Rs. 30,00,000/- and Rs. 45,200/- is waived off in view of delay in her final result. The University directed to issue final results to Miss Saloni Singh immediately after receiving the full amount. Complaint disposed off.

Order be uploaded on the website of the Commission

Copy of order be supplied to both the parties.

Announced

Date: 9th June, 2020.

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