

**BEFORE THE HON'BLE CHAIRPERSON, H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION SHIMLA-171002.**

Case No. 1 of 2014

Instituted on: 1.7.2014

Decided on : 30.03.2016

Shri Satish Chander, Superintendent, office of Special Secretary to Chief
Minister, Himachal Pradesh at Dharamshala (Kangra) 176215.

... Complainant

Versus

Baddi University of Emerging Science and Technology, Makhnumajra, Baddi,
District Solan (HP) through its Registrar.

... Respondent

**Refund of Security amount of Rs. 2,000/- in respect of Shri Vishal
Dhadwal B. Tech. (Mech. Engg) pass out student, son of complainant.**

Present: Col. Pradeep Dixit, Registrar, Baddi University of Emerging
Science and Technology.

Shri Satish Chander, complainant in person.

ORDERS

Shri Satish Chander filed a complaint/ application dated 1.7.2014 before the Commission wherein he has stated that he had earlier filed complaint with the Commission vide letter dated 15.10.2014 which was followed by another communication dated 17.10.2013, copies of which have been enclosed therewith. In his complaint dated 15.10.2013 he stated that his son Mr. Vishal Dhadwal had undergone B. Tech. (Mech. Engg) Course in 2009-2013 under Roll No. 559/09 in the respondent University who has completed his last semester in the month of June, 2013. During the last semester the respondent created some nuisance as a result of which his son was allegedly imposed with some fine. His son had urged the functionaries to establish such act of omission committed by him but none had bothered and forced his son to pay the alleged fine. His son had refused to pay the same and requested the functionaries to first enquire into the matter and produce evidence in support of alleged fine but of no avail. His son after completing all formalities to have the security money refunded, left the hostel and soon after leaving the Institute his son had sent a request letter to the Chief Warden of the said Institute on 21.06.2013 seeking free and fair enquiry in addition to demanding some records also pertaining to

the so-called/ alleged fine. Copy of request letter has also been placed on record. When no response was received the complainant submitted another application to the Vice Chancellor of the respondent University for the release of security money on 23.8.2013, copy of which has also been placed on record. Still the respondent University did not respond to the same. In the complaint made to the Commission the complainant has further stated that Inquiry is the first and important legal binding on every organization in order to reach at a conclusion in each substance or dispute but in the instant case it does not appear anywhere. Vide his complaint dated 1.7.2014 the complainant stated that University refunded the security amount partly in the sum of Rs. 4050/- after deducting Rs. 2,000/- vide letter dated 6.6.2014. It has further been contended that the complainant has spent an amount of Rs. 306/- on account of postal charges for sending applications/ complaints and further a sum of Rs. 2100/- approx.. will be required for attending the hearing at Shimla in the Commission. The complainant has requested that the amount of Rs. 2,000/- be got refunded which has been arbitrarily deduced from the security amount which was withheld by the University for a period of more than one year from the ending of degree course of the son of the complainant. Besides this he has requested compensation of extra money spent and likely to be spent on account of unwarranted issue and correspondence at the behest of the University.

On receipt of the complaint, the H.P. Private Educational Institutions Regulatory Commission (hereinafter called for brevity sake "Commission") issued notice/ letter dated 4.8.2014 whereby copy of the complaint was forwarded to the respondent University with the directions to refund the security amount and to intimate reasons for non-refund of the same till date before 8.8.2014. However, the University did not respond to the letter issued by the Commission, therefore, vide notice dated 22.08.2014 issued by Commission the Registrar of respondent University was directed to appear in person before the Commission on 02.09.2014 alongwith relevant records/ evidences relevant in the matter.

On 02.09.2014 Col (Retd) Pradeep Dixit Registrar and Shri Dharam Pal Sharma, Assistant Registrar of respondent University, appeared in person. They were informed that the information provided vide University letter dated 26.08.2014 regarding refund of fine imposed on a student Mr. Vishal Dadhwal was incomplete. The Registrar explained the circumstances of the case, nature of offence and also that another student has also been fined for the same amount, for same infringement. He was asked to submit the entire facts of the case which

led to the imposition of fine, for consideration of the Commission. In addition they were also asked to submit copy of the Rules/ Regulations which stipulate the amount of fine for various misdemeanours. The compliance was directed to be reported by Baddi University by 08.09.2014. In compliance to the instructions issued by the Commission, the University submitted a detailed reply/ report vide its letter dated 5.9.2014 which was received in the Commission on 19.09.2014. On receipt of the reply, the respondent was called for personal appearance on 18.10.2014 alongwith all relevant records/ evidences. However, respondent requested postponement of the date due to some administrative reasons, which request was acceded to by the Commission and the case was fixed for 29.10.2014.

On 29.10.2014 Col. (Retd) Pradeep Dixit Register Baddi University appeared in person. Complainant Shri Satish Chander also appeared in person. Both the parties stuck to their claims. Statements of both the parties were recorded separately and taken on record and the orders were reserved.

I have heard both the parties in detail. I have also gone through the entire documents placed on record by both the parties. Respondent vide its reply dated 5.09.2014 has categorically stated that the ward of the complainant alongwith other seven students was fined a sum of Rs. 180/- (@ Rs. 20/- per day for 9 days) for leaving the hostel room without switching off the lights and fans of hostel room during the holidays. The notice dated 10.10.2009 was displayed on the notice board of the Institute and Hostels with the endorsement to the HoDs, Chief Warden and Accounts officer of the University as per the established practice. The fine was duly deposited by Shri Vishal Dhadwal who was undergoing B. Tech. (ME) course with the respondent. It has also been stated that in another incident Shri Vishal Dhadwal alongwith another student Mr. Karan Dhiman were fined Rs. 2000/- each vide notice dated 17.12.2012 for driving their motor cycles No. HP 39-0859 and PH 10CD-5311 through the college campus hedge along parking area which was prohibited track, despite being stopped by the Security Guards on duty on 14.12.2012 at 12:45 to 12:40 when Shri Vishal Dhadwal abused the Guards which incident was also witnessed by Chief Warden and Proctor. The notice was displayed on the public domain on 17.12.2012 and copy forwarded to the parents of erring students on 21.12.2012. Photo copies of the registered postal receipts have also been placed on record. Shri Karan Dhiman who was accompanying Shri Vishal Dhadwal on another bike deposited the fine amount of Rs. 2,000/- vide receipt No. 11/10622 on 1.2.2013 whereas Shri Dhadwal did not deposit the fine. Shri Satish Chander

complainant, however, made a complaint to the Chairman UGC New Delhi vide his letter dated 30.10.2013 claiming innocence on the part of his son. The UGC forwarded the complaint to the respondent University vide its letter dated 16.01.2014 and requested to look into the matter and send its comments on the issue at the earliest directly to the complainant under intimation to UGC. The respondent University sent a detailed reply to the complainant with final decision as under with a copy of the same to the UGC:

- “(a) Fine was imposed for disobedience of orders. It was imposed after necessary inquiry into the indiscipline of your son.
- (b) University had no malafide intentions in imposing the fine. Laid down procedures are followed.”

After considering the documents placed on record and the statements made by both the parties, the following point emerged for consideration against which my finding is also rendered:

1. Is the act of the respondent University justified in imposing the fine of Rs. 2000/- (deducted out of the security amount) for the alleged involvement of ward of the complainant in an incident in the University campus?

Finding:

Perusal of reply submitted by the respondent University vide its letter dated 5.09.2014 reveals that vide Notice dated 17.12.2012 the University imposed fine of Rs. 2000/- which was ordered to be deposited with the Accounts Branch of the University latest by 30.12.2012. The said notice was placed on Notice Board copy of which was sent to the parents of the student by registered post. As per notice Shri Vishal Dhadwal son of the complainant allegedly committed the offence on 14.12.2012. The Notice was placed on the Notice Board on 17.12.2012 whereby the fine has been ordered to be deposited by 30.12.2012. It is not clear as to why at the time of imposition of fine the parents of the student did not file objections.

It is being stated that an inquiry was not conducted and, therefore, justice is being denied. However, the reply of the University indicates that an inquiry was conducted on the basis of which fine was imposed. Given the nature of action, this appears to have been a summary inquiry and the desire that this should be proved in such cases within an educational

institution seems to be not in order. If an educational institution has to prove in each case i.e. when a student is absent and an inquiry is required to be conducted for proving his presence, it would be difficult to administer the educational institutions. It also implies that the educational institution had an ulterior motive in imposing the fine on an individual student.

It appears that it was at the time of obtaining no dues certificate that Rs. 2000/- was deducted. It seems highly unlikely that one student who was allegedly with Mr. Vishal Dhadwal son of the complainant at the time of incident would pay a sum of Rs. 2000/- as fine for something he had not done. It is apparent from the reply that after deduction of Rs. 2000/- as fine, the respondent University refunded the balance amount of Rs. 4050/- to the complainant vide cheque No. 716863 dated 27.05.2014.

The Commission vide its order dated 02.09.2014 had directed the respondent University to produce copy of the Rules/ Regulations which stipulate the amount of fine for various misdemeanours. The respondent failed to submit copy of Rules/ Regulations under which the fine was imposed. This is a separate issue as fines imposed need to be for defined reasons and not on arbitrary basis.

Conclusion:

The ward of the complainant was involved in an act of indiscipline which resulted in imposition of fine, hence the complaint of the complainant is dismissed. However, the University is directed to get approved from the Government list and quantum of fines for each and individual offence within the University campus.

Copy of Orders be supplied to the respondent University for compliance.

Copy of orders be supplied to the complainant, if specifically requested.

File after completion be consigned to record room.

Sd/-
(Sarojini G. Thakur)
Chairperson