

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

Case No. 34 of 2016

Date of Institution: 04.10.2016

Date of Preliminary Orders: 07.11.2016

In the matter of:

Shoolini University of Bio-Technology and Management Sciences, Oachghat, District Solan (HP) through its Registrar.

Present: Dr. Sunil Puri, Registrar; Smt. Rajni Sharma Assistant Registrar and Shri Vishal Anand, CEO (Finance) Trustee.

PRELIMINARY ORDERS

Consequent upon the disclosure of information with regard to admission for the Academic Session 2016-17 made by Shoolini University through online, via e-samvad software /by uploading on the website of the University, it was prima facie found that the University had admitted 103 students in different courses in violation of the admission norms prescribed by the Central/ State Regulatory Bodies and the Registrar of the University was called upon to explain the position on 22.09.2016 when Dr. Sunil Puri, Registrar and Smt. Rajni Sharma Assistant Registrar attended office of HP PERC. After examination of documents submitted by them, the violation in the case of 61 students were settled who were given provisional admission on account of RLA, RLD and RLF. Violation in respect of remaining 42 students could not be satisfactory explained and the matter was fixed for hearing before me on 13.10.2016 when Dr. Sunil Puri, Registrar; Smt. Rajni Sharma Assistant Registrar and Shri Vishal Anand, CEO (Finance) Trustee appeared in person. The decision against each admission was taken as follows:

Sr. No.	Name of Student	Course in which admission given	Criteria of admission adopted by University.	Decision of HP PERC taken on 14.10.2016.
1.	Shri Hashin Khan	B. Pharmacy	The University made admission on the basis of minimum qualification for admission to B. Pharmacy being 10+2 as notified in B. Pharmacy course regulation 2014 dated 10.12.2014.	AICTE norms prescribe 10+2 pass with physics and Chemistry as compulsory subjects alongwith one of the Mathematics/ Biotechnology/ Biology obtaining 45% marks (40% in case of candidate belonging to reserved category) in the above subjects

				<p>taken together subject to qualifying at the Entrance Test conducted by the Competent Authority.</p> <p>The HP State Government vide its notification dated 13.8.2015 prescribes basis of merit of HPCET of the corresponding year. In case the seats remain vacant after exhausting the merit of HPCET, the remaining seats will be filled up on the basis of merit of 10+2 examination conducted by a recognised Board/ University i.e. 55% and 50% in open and reserved categories respectively.</p> <p>The Pharmacy Council of India vide its notification dated 10.12.2014 prescribed pass marks in 10+2 examination conducted by respective state/ central government authorities recognized as equivalent to 10+2 examination with English as one of the</p>
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				<p>subjects and Physics, Chemistry, Mathematics/ Biology as optional subjects individually.</p> <p>“However, the students possessing 10+2 qualification from non-formal and non-class rooms based schooling such as National Institute of Open Schooling, open school system of States etc. shall not be eligible for admission to B. Pharma course.</p> <p>In view of different norms prescribed by three different authorities there is uncertainty as to whether which norm shall have overriding effect. The matter needs to be taken up with PCI, AICTE and the State Government for prescribing uniform/ standard norms. However for the present the admission is ordered to be regularised, if it meets the desire of PCI notification dated 10.12.2014.</p>
2.	Shri Ashish Kumar	-do-	-do-	-do-
3.	Shri Brijesh Sharma	-do-	-do-	-do-
4.	Shri Rishabh Sharma	-do-	-do-	-do-

5.	Ms. Sudiksha Sharma	-do-	-do-	-do-
6.	Shri Pardeep Neupane	B. Tech. (ME)	Admission given on the basis of regulations framed by AIU. The University vide its letter dated 13.10.2016 (handed over at the time of hearing on 13.10.2016) claimed that the admission has been made on the basis of AICTE notification dated 21.01.2004 wherein 15% seats in technical courses has been allowed on supernumerary basis from amongst foreign nationals/ Person of Indian origin and the admission under these Regulations is required to be made on merit amongst the applicants under the Foreign National and PIO Category.	Registrar of the University submitted copy of Information Brochure containing Policies & Procedure for Equivalence of qualification/ degrees formulated by Association of Indian Universities (AIU). The information submitted by the Shoolini University is lacking as it does not indicate the name and status of the previous University of the student and whether it conforms to all the terms prescribed under para-24 of the policy. The applicability of AICTE notification deserves to be read with the provisions of Section 24 of the AIU Regulations for determining the criteria of admission. Shoolini University is directed to supply information as per para-24 of the Policy within 15 days hereof, failing which it shall be

				presumed that it has nothing to state and the admission shall automatically stand cancelled.
7.	Joana Chhetri	B. Tech. (Food Tech)	-do-	-do-
8.	Sh. Rizwan	B. Tech. (Automotive)	On the basis of test conducted by H-PUMA	Registrar of the University was directed to produce Registration Certificate, list of members and Bye-laws of H-PUMA registered under Societies Registration Act within a week's time to ascertain the status of H-PUMA so that admission made on the basis of H-PUMA test could be examined. However the University failed to submit any document, hence the admission is ordered to be cancelled.
9.	Shri Akhil Thakur	B. Tech. (CSE)	-do-	-do-
10.	Shri Aditya Vijay	B. Tech (Bio-Tech)	-do-	-do-
11.	Shri Abhay Roach	MBA	-do-	-do-
12.	Shri Abhishekh	-do-	-do-	-do-
13.	Shri Akshay Kotnala	-do-	-do-	-do-
14.	Ms. Anchal Kumari	-do-	-do-	-do-
15.	Shri Ankit Sharma	-do-	-do-	-do-
16.	Shri Anurag Singh	-do-	-do-	-do-
17.	Shri Deepak Kumar	-do-	-do-	-do-
18.	Shri Harish Kumar	-do-	-do-	-do-
19.	Shri Himanshu Mahajan	-do-	-do-	-do-
20.	Shri Shivam Kalia	-do-	-do-	-do-
21.	Shri Vaibhav Kumar	-do-	-do-	-do-
22.	Shri Varin Narwal	-do-	-do-	-do-
23.	Shri Virender Thakur	-do-	-do-	-do-
24.	Shri Mahesh Kumar	-do-	-do-	-do-
25.	Shri Swapnil Gupta	M. Tech (Food-	Provisional	Copy of Detailed

		Tech)	Admission on the basis of affidavit furnished that he has passed the B. Tech examination, however result card not received.	Marks Certificate of B. Tech 7 th and 8 th Semester submitted wherein he has been shown to have passed by securing 72% marks which meets the norms of HP Government notified on 13.08.2015, hence the admission is ordered to be regularised.
26.	Ms. Anchal Aggarwal	-do-	Provisional Admission on the basis of affidavit furnished that she has passed the B. Tech examination, however result card not received	Copy of Detailed Marks Certificate of B. Tech 7 th and 8 th Semester submitted wherein she has been shown to have passed by securing 77% marks which meets the norms of HP Government notified on 13.08.2015, hence the admission is ordered to be regularised.
27.	Shri Ritesh Panwar	M. Tech. (ME)	Admission made on the basis of H-PUMA and the student has appeared in GATE by scoring (-) 6.77. (As per the knowledge of the University there is no minimum percentage fixed by Regulatory Body in Entrance Examination for	The H.P. Government notification dated 13.08.2015 clearly stipulates that admission to M. Tech degree course shall be made on the basis of merit of Valid GATE Score. In this case the student has scored (-)6.77

			admission).	which cannot by any stretch of imagination be considered to be a valid score. Moreover in case the admission has been made on the basis of test conducted by H-PUMA, the same cannot be considered, as the University has failed to submit Registration Certificate, Details of Members and bye-laws of H-PUMA which was required for examination and determining the admission criteria. Therefore, on account of both the issues raised and having not been responded to the satisfaction of HPPERC, the admission is ordered to be cancelled.
28.	15 students	Admission in M. Sc. Zoology	Against the sanctioned 30 seats of M.Sc. Zoology the University has admitted 45 students on the basis of decision taken by the Academic Council of the University on 24.06.2016 whereby 15 seats (out of sanctioned 60	The University has appended extract of University Act specifically Section 45 perusal of which reveals that total number of seats in different courses are to be decided by the Academic Council and approved by the Chancellor.

			<p>seats) of M. Sc. Botany has been filled up against M.Sc. Zoology. The total number of seats i.e. 90 in both the cases (M.Sc. Zoology 30 seats and M. Sc. Botany 60 seats) shall remain the same.</p>	<p>I have gone through the Private University Act. Section 31(5) clearly stipulates that the University shall seek prior approval of the Regulatory Commission for admitting new students in subsequent years in the existing courses or for starting new courses which shall be subject to recommendation of the inspection committee set up for the purpose. This shall be applicable till the first batch of final year students are admitted.</p> <p>The University has enhanced sanctioned intakes of M.Sc. Zoology from 30 seats to 45 seats unilaterally without seeking approval from HP PERC. This act on the part of University is violative of Section 31(5) of its own Act, as such the admission in respect of 15 students in M.Sc. Zoology which is over and above 30 duly sanctioned intake</p>
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				is ordered to be cancelled.
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In view of the decision rendered above, the University is directed to refund entire fee of the students whose admission has been cancelled i.e. mentioned against Sr. No. 8 to 24, 27 and 28 immediately and complete particulars of refund i.e. name of student, amount, mode of refund, receipt of payment acknowledged by each student and copy of bank account statement (in case cheques are issued to students) be furnished to the HP PERC within 15 days from the date of decision, in default the HP PERC shall invoke relevant provisions of H.P. Private Educational Institutions (Regulatory Commission) Act, 2010 and the Rules framed thereunder. The University is further directed to submit copies of 10+2 examination certificates in respect of students mentioned against Sr. No. 1 to 5 and verification certificate issued by AIU in respect of students mentioned against Sr. No. 6 and 7 within 15 days for examination by HP PERC and their admission shall be subject to final orders to be passed by HP PERC, which are reserved for the present.

Copy of the orders be supplied to the University.

Orders be hosted on the website of the Commission.

Case filed be submitted after expiry of time stipulated for submission of information/compliance for further/final orders.

Announced

Sd/-
(Sunil Dutt Sharma)
Member