

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

Case No. 2 of 2013
Instituted on 12.07.2013
Decided on 28.03.2016.

In the matter of:

Gautam Institute of Hotel Management, Campus: GIHM, Ward No.8/235, Hamirpur (HP).

Notice under H.P. Private Educational Institutions (Regulatory Commission) Act,2010.

Present: Shri Sanjay Gautam Principal-cum-Trustee & Dr. K.S. Rana Trustee of Gautam Institute of Hotel Management.

ORDER

On the basis of information available on the website of Gautam Institute of Hotel Management, Hamirpur, the H.P. Private Educational Institutions Regulatory Commissioner (HP PERC) called for clarification from the Institute vide its letter dated 12.07.2013 with respect to the followings:

1. Copies of affiliation of Institute with the Universities.
2. Approval of State Government for establishment of Institute/ College.
3. Approval of Courses offered on the website of Institute.
4. Approval of Regulatory bodies for offering professional courses.
5. Approval of AICTE (All India council for Technical Education)/ NCVT (national council for Vocational Training).

In response to the above letter the Institute supplied following documents:

1. The MoU signed between Institute and the University i.e. Manonmaniam Sundaranar University alongwith information broacher.

It further stated that for establishment of the admission-cum-information centre of a recognized University through DD&CE, no State Government approval is required and that courses being offered by it are degree & diploma courses and not professional courses. It further stated that Distance Education Programmes run by admission cum information centres of any recognized university does not fall under the purview of AICTE/NCVT.

The HPP ERC not satisfied with the reply/documents furnished by the Institute, issued notice under H.P. Private Educational Institutions (Regulatory commission) Act,2010 on 12.5.2015 thereby calling upon the representative of the Institute to appear before the Commission on 19.05.2015 for hearing in person alongwith all relevant records/ evidence with regard to specific issues raised.

On 19.05.2015 Shri Sanjay Gautam, Director/ Principal, Gautam Institute of Hotel Management, Hamirpur appeared in person. He stated that the above Institute is being run

w.e.f. 2014 and fee per student is being charged @ Rs. 35,000/- in Hotel Management courses. Faculties holding diploma in Hotel Management have been engaged for running the courses. He, however, was not in possession of details of students, faculties, approval letters, Society Registration Certificate and Prospectus etc. He stated that the same shall be produced before the next date of hearing. In support of his oral statement, he submitted written statement which was taken on record. After hearing him, he was directed to produce the following information/documents well before 4.6.2015 and the case was adjourned to 4.6.2015:

1. Prospectus of the courses being run since beginning till current/on-going session.
2. Details of students enrolled/passed out since beginning (year-wise).
3. Permission letter from the Government of Himachal Pradesh for opening the Institute at Hamirpur.
4. Details of faculties alongwith their qualifications, remunerations etc.
5. Copy of MoU signed by the Gautam Institute with National Institute of Open Schooling.
6. Copy of Trust Deed / Registration as Society and bye-laws thereof for running the Institute in the name of Gautam Institute of Hotel Management.
7. Copy of Fee Structure.
8. Affidavit (in original) declaring that Gautam Institute of Hotel Management was earlier running management courses in the name of Gautam Institute of Hotel Management having affiliation with Manonmaniam Sundaranar University, Tamil Nadu but the management courses have been discontinued by the Institute w.e.f. the year 2014.
9. Details of the students who were awarded degrees of management courses (year-wise).

On 4.06.2015 Shri Sanjay Gautam, Principal –cum-Trustee and Dr. K.S. Rana Trustee appeared in person. They submitted the following documents:

1. Prospectus (Information Brochure) of the courses run.
2. Details of students enrolled.
3. Details of faculties
4. Copy of MoU signed with National Institute of Open Schooling.
5. Copy of trust deed and bye-laws
6. Resolution regarding starting of Gautam Institute of Hotel Management.
7. Copy of fee structure
8. Affidavit in original.
9. Details of the students.

They stated that Gautam Institute of Hotel Management is willing to run the only courses under the National Institute of Open Schooling in accordance with the MoU signed with the National Institute of Open Schooling. Prospectus of courses for the year 2014 was also submitted. They further stated that the Institute shall be running courses as prescribed by the NIOS under head No. III (One Year Stand Alone Certificate Courses) against Sr. No.73,74,75 and 77. In support of their statement they furnished written statement which was taken on record alongwith the documents submitted by them.

I have heard representatives of the Institutes at length. I have also gone through the entire record submitted by the Institute particularly Affidavit dated 3.6.2015, Trust Deed dated 8.12.2009, Information Broacher of Manonmaniam Sundaranar University and the Prospectus for the year 2014 of National Institute of Open Schooling. In the affidavit Shri Sanjay Gautam Principal of the Institute has stated on oath that the Gautam Institute of Hotel Management was running Hotel Management Courses in the name of Gautam Institute of Hotel Management by Manomaniam Sundarnar University but the Hotel Management Courses have been discontinued by the institute w.e.f. 2014. In the information broacher of Manonmaniam Sundaranar University it is clear under Sr. No.18 that the Hotel Management course was for one year duration after Xth/ equivalent pass examination. The objects of the Trust as per Trust Deed dated 8th December, 2009, clearly envisage that the Trust is competent to establish, develop, maintain and run schools, playschools, colleges, technical training institutes, scientific laboratories etc. I have also gone through the Prospectus for the year 2014 issued by National Institute of Open Schooling. The courses opted by the Institute are mentioned against Sr.No.73, 74,75 and 77 and the fee has also been mentioned against each which fee is also indicated by the Institute to be charged from the students.

In view of the questions raised by HPPEREC and the reply submitted by the Institute duly supported by the documents/ Affidavit the following issues emerged:

- 1. Status of Manonmaniam Sundarnar University whether it is a private or State Government University and whether it has been authorized by UGC to run courses under Distance Education?*
- 2. Whether Gautam Institute of Hotel Management is running courses of higher education?*
- 3. Whether the Gautam Institute is competent to run courses of State/ Private Universities under Distance Education Programme?*
- 4. Whether the proposed acts of the Gautam Institute are within the purview of HPPEREC?*

Findings:

- 1. Status of Manonmaniam Sundarnar University whether it is a private or State Government University and whether it has been authorized by UGC to run courses under Distance Education?*

As per information available on UGC Website this is a State Government University of Tamil Nadu and it has been authorized by the UGC to run distance education programmes upto 2015-16. However, State Universities cannot function outside the jurisdiction of their State. However, in view of the Affidavit submitted by the Gautam Institute, HP PERC needs not to go further in the case i.e. whether Gautam Institute is an authorized centre of the above University or there is any approval with the Manonmaniam Sundarnar University to run courses in other States, as the diploma course of 1 year in Hotel Management was after 10th pass/ equivalent, hence beyond the jurisdiction of the HPPEREC. Moreover, the Gautam

Institute has permanent closed admissions in Hotel Management of aforesaid University.

2. *Whether Gautam Institute of Hotel Management is running courses of higher education?*

This issue is covered under above head and the Gautam Institute is not running any courses of higher education.

3. *Whether the Gautam Institute is competent to run courses of State/ Private Universities under Distance Education Programme?*

As per Trust Deed, the objectives of the Trust, of course, allow it to establish, develop, maintain and run schools, playschools, colleges, technical training institutes, scientific laboratories etc. however, for running courses under Distance Education Programmes, necessary approval is required from the competent authorities. However since Gautam Institute has discontinued any Programme under Distance Education, as such HPPEREC needs not to go into the details under this head.

4. *Whether the proposed acts of the Gautam Institute are within the purview of HPPEREC?*

Gautam Institute of Hotel Management is willing to run the courses now under the National Institute of Open Schooling in accordance with the MoU signed with the National Institute of Open Schooling under head No. III (One Year Stand Alone Certificate Courses) against Sr. No.73,74,75 and 77 of the Prospectus submitted to the HPPEREC. The Prospectus clearly prescribed the qualification for admission in such courses as 8th path and 10th Pass and these are one year certificate courses. Considered from any angle, whatsoever, the proposed activities of the Gautam Institute do not fall within the ambit of H.P. Private Educational Institutions (Regulatory Commission) Act and the Rules framed thereunder.

In view of my findings given against each issue, it is held that the activities of Gautam Institute under the MoU with National Institute of Open Schooling are not covered under the H.P. Private Educational Institutions (Regulatory Commission) Act and the Rules framed thereunder, hence the case be closed.

The file after completion be consigned to record room.
Copy of order, if applied for, be supplied to the Institute.

Announced on this the 28th day of March, 2016.

Sd/-
(Sarojini Ganju Thakur)
Chairperson