

**BEFORE SHRI SUNIL DUTT SHARMA, MEMBER H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION**

Case No. 07 of 2014
Instituted on: 18.11.2014
Decided on: 18.07.2016

Shri Ved Parkash Ahluwalia, Town & P.O. Dehragopipur, District Kangra (HP).

... Complainant

Versus

Thakur College of Education, Dhaliara, Tehsil Dehra District Kangra (HP) ...

Respondent

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

Present: For the respondent: Shri Ravinder Singh Thakur, Advocate
Complainant did not put appearance in any hearing.

ORDER

1. Complainant made a complaint addressed to Vice Chancellor, HPU Shimla with a copy endorsed inter alia to Secretary Education Government of Himachal Pradesh Shimla. The H.P. Private Educational Institutions Regulatory Commission HP PERC) received this complaint through Secretary (Hr. Education) to the Government of Himachal Pradesh vide its letter dated 31st October, 2014. Contents of the complaint are as follows:

“1. The NRC/NCTE Jaipur in its 221st Meeting held from November 15th to 17th, 2013; took the decision to withdraw the recognition for B. Ed. & B. Ed. (Addl.) of Thakur College of Education, Dhaliara (HP) extract copy attached as Annex-1; and issued formal withdrawal orders vide F. No. NRC/NCTE/HP-232/221st meeting /2013/68675-680 dated 21.01.2014 & F. No. NRC/NCTE/HP-209/221st meeting/2013/68681-86 dated 21.01.2014 with copies to the Registrar, HPU, Shimla, copies attached as Anenx.-2&3.

Once recognition of a college is withdrawn, the affiliating university is bound to withdraw the affiliation under the NCTE Act 1993, under section 17(3) failing which section 17(4) provides that the training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government, extract copy attached as Annex-4.

Though the college has filed an appeal with NCTE Delhi which forwarded its case to NRC/NCTE Jaipur which deferred action on its appeal but never issued orders to grant the recognition for B. Ed to this college for the session 2014-15 till date.

The authorities in HPU Shimla seems to have colluded with the accused to postpone its de-affiliation and made 80 admissions to his college through centralized counselling paving the way for filling another 120 seats at its own level and thus appropriating about Rs. 1.50 crore from the hapless students by illegal admission of 200 students in the college for the session 2014-15. Interestingly, HPU appears to have pleased it by accepting its plea of having postponed the withdrawal of affiliation

indefinitely, interesting, but not totally convincing, despite the college having got no relief as regard its prayer to NCTE for setting aside the orders of withdrawal of its B. Ed. Recognition w.e.f. the end of 2013-14 session, as revealed in information received under RTI from HPU Shimla, copy attached as Annex-6 & 7. H.P.U. seems to have leaned too much in its favour. Prima facie, it appears so. This seems to be case of admission through fraud in collusion with the authorities in HPU.

2. M. Ed recognition of Thakur College of Education, Dhaliara was withdrawn by the NCTE vide its order F. No. NRC/NCTE/F-3/HP-248/207th meeting/2012/35617-623 dated 29.12.2012. Interestingly, HPU swung into action in 2014, apparently, after more than one year to withdraw its affiliation despite having no recognition by the NCTE during this period. Will the HPU explain this delay? What prompted the authorities in HPU to overlook such irregularities and illegalities?

3. It may be relevant to acquaint you of the background of the college. A CWP 6454/2010 alleging the institution as fake and bogus which obtained recognition/affiliation by playing fraud and never adhered to rules/ norms of recognition/ affiliation such as other requirements of qualified staff etc. was filed in the H.P. High Court, Shimla. The Hon'ble Court handed over the investigation of the case to CBI Shimla with a direction to take, appropriate action in the matter. After investigation, CBI sent a detailed report to the NRC/NCTE which decided to withdraw its recognitions. It appears that same fraud is repeated in obtaining affiliation, ironically, by the grace of HPU. HPU seems to have leaned too much in its favour. Prima facie; it appears so. Will the HPU ever look whether its approved faculty, if any, ever actually worked there? This time, since the state University appears to be involved in its fraud, the matter appears to be all the more serious.”

The complainant requested to address the issue in larger public interest so that the hapless students admitted to the concerned college by HPU in its counselling session for 2014-15 are not cheated.

2. Taking cognizance of the complaint HP PERC issued notice to respondent to appear before the HP PERC on 5.1.2015 through Principal alongwith all relevant record and evidences. On 5.1.2015 Shri Ravinder Singh Thakur, Advocate appeared in person on behalf of Thakur College of Education. Shri Ravinder Singh Thakur stated that he had been appointed as Power of Attorney by the Thakur College of Education to represent it before the H.P. Private Educational Institutions Regulatory Commission. He submitted memo of appearance and further stated that the Power of Attorney shall be submitted within a week. He prayed that some more time may be granted for submitting reply to the notice dated 22.12.2014 issued by the HP PERC. He prayed that the case be fixed after High Court vacations. Time sought for submission of reply to notice was granted, however in view of gravity of issues involved, HP PERC thought it appropriate to fixed the next date for 29.1.2015.
3. On 29.1.2015 Shri Ravinder Singh Thakur, Advocate appeared in person on behalf of Thakur College of Education. Shri Ravinder Singh Thakur submitted power of attorney and reply on behalf of the Thakur College. Copy of letter dated 4.6.2014 written by Thakur College of Education to Vice Chancellor HPU was also submitted. Documents submitted on behalf of the College were taken on record. Copy of the reply was ordered to be sent to the complainant. Next date for rejoinder on behalf of the complainant and further hearing was fixed for 04.03.2015 and Complainant was also directed to be called for the said date.

4. On 04.03.2015 Complainant Shri Ved Prakash Ahluwalia did not put appearance. Shri Ravinder Singh Thakur, Advocate, counsel for the Thakur College of Education also did not appear. However, Shri Ravinder Singh Thakur Advocate at about 2.00 PM telephonically called office of HP PERC and was reported to be ascertaining whether the case was fixed for that day. When Shri Ravinder Singh Thakur was informed that the case was fixed for 4.3.2015 at 2.30 PM, Shri Thakur requested for adjournment of case, as he was not in town. Request was accepted and case was adjourned and next date fixed for 18.03.2015. Both the parties were called for making their personal appearance.
5. On 18.03.2015 Complainant Shri Ved Prakash Ahluwalia did not put appearance. However, he sent a communication dated 16.03.2015 thereby showing his inability to attend the hearing and further requested for deciding the case on merits. Shri Ravinder Singh Thakur, Advocate, counsel for the Thakur College of Education appeared in person. The complainant did not appear consecutively on two occasions i.e. on 29.1.2015 and 4.3.2015. In order to afford sufficient opportunity, the complainant deserved to be called again to which the respondent expressed no objection. Shri Ravinder Singh Thakur Advocate representing respondent requested that as he used to be busy in other Courts, the time be fixed after 3.00 PM on any day. Request of Shri Thakur accepted. The case was accordingly adjourned and fixed for 31.03.2015 at 3.30 PM. Complainant was also directed to be called for the said date.
6. I have gone through the entire case file. Perusal of NCTE notification issued by NRC on dated 21.1.2014 with respect to respondent institute shows that NCTE had withdrawn recognition granted to respondent institute for 100 additional seats in the B. Ed course on the grounds mentioned therein w.e.f. the end of the academic session next following the date of notification with the liberty to respondent institute to prefer an appeal to the NCTE New Delhi on-line in terms of section 18 of the NCTE Act, 1993 within 60 days from the date of notification. As per documents submitted by respondent Institute, the Institute filed appeal before Appellate Authority and the case was remanded back to NRC with the direction consider the matter afresh after issuing show cause notice. The Appellate Authority also directed the NRC to take into consideration the fact of pendency of case before the Court of Special Magistrate Shimla before passing any orders.
7. In my view, the matter is subjudiced before the CBI Court and NCTE (NRC), therefore, it needs no intervention on the part of HP PERC and the matter is decided on merits and dismissed in default for non prosecution on the part of the complainant.

Certified copy be supplied to the parties, is specifically requested.
Order be hosted on official website of the HPPER
File after completion be consigned to record room.

Announced

Sd/-
(Sunil Dutt Sharma)
Member