

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

Case No. 08 of 2015
Instituted on: 23.03.2015
Decided on: 19.07.2016

Shri Yadvender Thakur (husband of Smt. Dhaneshwari a JBT student, resident of Village and P.O. Jamli, Tehsil Sadar, District Bilaspur (HP)-17401). ... Complainant

Versus

Rameshwari Teacher Training Institute, Sarabai, District Kullu (HP).... Respondent

Charging unapproved fee.

Present: Shri Shri Prashant Sharma, Member of the Trust/Society, RTTI Kullu alongwith Shri Yudhveer Principal of the Institute in person.

Shri Yadvender, complainant in person

ORDER

1. Shri Yadvender Thakur vide his email dated 23.03.2015 stated that respondent institute is demanding donation for the college to the tune of Rs. 10,000/-. He further stated that the examination fee decided by HP Board of School Education is Rs. 500/- but the respondent is demanding Rs. 2650/- that too without issuance of receipt. He further stated that the respondent had threatened the students that if they will not deposit the amount demanded, the respondent shall withhold the examination form and internal assessment. The complainant requested for taking necessary action in the matter. Pursuant to the receipt of complaint, H.P. Private Educational Institutions Regulatory Commission (HP PERC) issued notice dated 27.03.2015 to the respondent to clarify its position in person before the HP PERC on 02.04.2015.

2. Hon'ble Chairperson, HPPEREC heard the matter initially on 2.4.2015 when Shri Yudhvir, Principal and Shri Prashant Sharma Chairman of the Society Rameshwari Teacher Training Institute Sarabai appeared in person. They stated that JBT is a two years' course and at present there are 84 students in JBT and 100 students in B.Ed courses. They submitted reply to the notice dated 27.3.2015. They stated that as per present practice the Institute is making payment of examination fee to the H.P. Board of School Education in the case of JBT course and to H.P. University in case of B. Ed in consolidated manner. They further stated that the Institute is not issuing any receipt to the individual student against the amount of examination fee collected. However, assured that in future receipts shall be issued against the

amount head wise received from the students. Both furnished joint written statement in support of their oral submissions.

3. The reply as well as written statement submitted was taken on record. Representatives of the Institute were directed to submit original prospectus alongwith fee structures for JBT and B.Ed courses for the last three consecutive years within one week, to which they also agreed.

4. After retirement of Hon'ble Chairperson HP PERC, the case was heard by me. On 10.05.2016 Shri Prashant Sharma, Chairman, RTTI Kullu alongwith Shri Yudhveer Principal of the Institute appeared in person. Shri Yadvinder, complainant also appeared in person. Shri Prashant Sharma stated that he had newly joined as Chairman in place of his father who had since expired. He stated that the institute was not charging any additional amount from the students, as alleged. He stated that the complaints, if any, received by the HP PERC are false and baseless. Shri Yadvinder, complainant stated that his wife Smt. Dhaneshwari had taken admission in JBT in respondent Institute in the year 2014 and paid Rs. 50,120/- as demanded by the Institute against the actual fee of Rs. 35,120/-. In support of his submissions he showed some documents on his laptop. He stated that this fee was paid for the 1st year. He further stated that for the second year, the institute demanded fee of Rs. 35,120/- in advance which was paid by the complainant through Demand Draft No. 266283 which was received by the Institute vide receipt No. 001 dated 29.5.2015. He further submitted that Institute had pressed the complainant to purchase Prospectus for 2nd year at the cost of Rs. 750/- when there was no need as the student was already undergoing training in the said Institute. He requested that the over and above fee taken from the complainant amounting to Rs. 15,000/- be got refunded.

5. After hearing both the parties, the complainant was directed to submit hard copies of all the documents shown on laptop in addition to any other supporting documents, to which he agreed and stated that the same would be supplied /sent through speed post within a week. Representatives of the Institute were directed to submit the following documents:

1. Complete list of students enrolled for JBT, B.Ed. and B.P.Ed w.e.f. 2014-15 onwards.
2. Details of students whose excess amount (quantum to be mentioned) has been/ to be adjusted against future fee.
3. Clarify letter dated 1.4.2015 wherein it has been mentioned, "The amount which is alleged to be donation and excess examination fee is in fact the fee to be paid by the students in the month of June. Amount received shall be adjusted against future fee. I assure you that future fee is being explained wrongly as so called donation or excess examination fee".
4. Details of present faculties alongwith their qualifications and date of appointment/ joining.
5. Balance sheet for the year 2014-15.

The next date in the case was fixed for 25.5.2016. On 25.05.2016 Shri Prashant Sharma, Chairman, RTTI Kullu alongwith Shri Yudhveer Principal of the Institute appeared in person. Shri Yadvender, complainant did not put appearance. Shri Prashant Sharma submitted list of B.Ed. trainees for the session 2014-15 and 2015-17; list of JBT trainees for the session 2013-15, list of BP Ed. Trainees for the session 2014-15, 2015-16; list of teaching staff for B. Ed., BP Ed and JBT, list of students who have been refunded amount, copies of No Dues Certificates in respect of Ms. Vijay Laxmi, Mr. Rony Chauhan, and Mr. Bhushan Sharma and Ms. Dhaneshwari, copy of balance sheet as on 31.3.2015. He has further submitted letter dated 24.5.2016 whereby it has been clarified that students of JBT for the session 2013-15 were notified to deposit fee on account of annual charges for second year fee, alongwith examination fee of Rs. 500/- to be submitted to the HP Board, Dharamshala for their first year examination fee. The amount collected had been adjusted in the second year fee deposited by the students. He also submitted copy of fee structure applicable for JBT Course for the session 2011-13. He also submitted copies of request letters of few of students for enlargement for time to deposit fees. He further stated that extra amount charged has been refunded to all the students. An amount of Rs. 1900/- has also been refunded to the complainant. He also stated that refund process is going on which would take some time.

6. Documents submitted were taken on record. Representatives of the Institute stated that Computer generated receipt No.36 dated 16.10.2014 amounting to Rs. 22,620/- includes the amount of Rs. 15,000/- which was collected vide Manual receipt No.604 dated 29.9.2014. They, however, could not clarify as to how this aspect was not reflected in computer generated receipt. They further failed to clarify as to how this aspect did not come to their notice while reconciling their accounts at the end of financial year. Representatives of the Institute were directed to:

- (1) Furnish details of students who have been refunded excess amount as on 30.5.2016.
- (2) Furnish clarification with regard to Computer generated receipt No.36 dated 16.10.2014 amounting to Rs. 22,620/- and Manual receipt No.604 dated 29.9.2014.

7. The next date was fixed for 31.05.2016 on which date Shri Prashant Sharma, Member of the Trust/Society, RTTI Kullu alongwith Shri Yudhveer Principal of the Institute appeared in person. Shri Yadvender, complainant did not put appearance. Representatives of the Institute submitted affidavit duly sworn in by Shri Prashant Sharma, Member of the Society, whereby he has affirmed that RTTI has refunded a sum of Rs. 1,25,950/- in respect of 60 students which was excess amount. It has further been affirmed that details of 60 students, as has been furnished to HP PERC, are true and correct and that all documents as furnished by RTTI to the HP PERC are true and correct on the basis of information derived from the office

of the Institute. They further submitted PNB HP Secretariat Shimla (HP) Demand Draft No. 689800 dated 31.5.2016 amounting to Rs. 15,000/- drawn in favour of Dhaneshwari. They requested that the case may be closed as necessary directions of the HP PERC have been complied with.

8. Documents submitted by the Institute were taken on record. DD of Rs. 15,000/- was directed to be sent to the complainant through registered AD post. Representatives of the Institute were apprised that HP PERC was still receiving repeated telephonic calls from the students that the signatures against the receipt of alleged amount of refund, as indicated in the list of 60 students, are obtained under pressure and the refund has been made to a few students whereas large number of students have still not been refunded the excess amount. In view of above, I was not convinced with the submissions made by the respondent and decided to have interaction with the students personally at the spot and the orders in the matter were reserved.

9. For recording my own satisfaction, I visited respondent Institute on 13.06.2016 and had interaction with the students personally on 13.06.2016 and 14.06.2016 in the presence of Dr. N.L. Sharma, Principal Government College Kullu. Out of 81 students; 54 students confirmed that they had received refund of extra amount paid whereas 2 students stated that their excess amount had been adjusted in future fee instalment and one student stated that he had paid the fee as per the Govt. Rules whereas remaining students were not present on the days of my visit to respondent Institute. From the personal interaction with the students in the Institute at Kullu, I am satisfied that the respondent institute has refunded/ adjusted the excess amount collected by it. The complainant has been refunded a sum of Rs. 16,900/- (15,000/- + Rs. 1900/-). In total 54 students have been refunded a sum of Rs. 1,32,900/- and a sum of Rs. 4,300/- has been adjusted in respect of 2 students in their fee instalment. The institute has been directed not to charge any additional amount over and above fixed by the competent authorities and any violation in future shall be viewed seriously. In view of my satisfaction with the refund of excess amount by the Institute, the case is ordered to be closed.

Certified copies of the orders be supplied to parties, in case requested for.

Orders be hosted on the website of the HPPEREC.

File after completion be consigned to record room.

Announced.

Sd/-
(Sunil Dutt Sharma)
Member