

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

Case No.3 of 2016

Date of Institution; 8.6.2016

Date of Decision: 14.9.2016

1. Ms. Kajal daughter of Shri Birbhan Singh, resident of Upper Dattal, Tehsil Palampur, District Kangra (HP).
2. Ms. Reena Devi daughter of Shri Dina Nath, resident of Village and PO Paprola, Tehsil Baijnath, District Kangra (HP).
3. Ms. Reena Kumari daughter of Shri Jagdish Chand resident of Village Sansal, Tehsil Baijnath District Kangra (HP)

Complainants

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Versus

Ashi Institute of Nursing, Village, P.O. and Tehsil Baijnath, District Kangra (HP)-176125 through Shri Mukesh Sharma Centre Head

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Respondent

Issuance of Fake Diploma in Nursing Assistant and refund of fee amounting to Rs. 77,000/ (Rs. 30,000/- in favour of Ms. Kajal Kumari, Rs. 25,000/- in favour of Ms. Reena and Rs. 22,000/- in favour of Ms. Reena Kumari)

Present: Shri Mukesh Sharma Centre head alongwith Shri Nitin Sharma on behalf of Ashi Institute of Nursing and Anit Institute of Computer Education, Village, P.O. and Tehsil Baijnath, District Kangra (HP).

ORDER

1. Complainants made a complaint to Superintendent of Police Kangra District Kangra (HP) on 23.08.2016. Taking cognizance of the complaint the Superintendent of Police referred the matter to H.P. Private Educational Institutions Regulatory Commission (HP PERC) Shimla vide its letter No. PC/Ka/2016-2106 dated 31.05.2016 which was received by HP PERC on 8.6.2016. The complainants had alleged that they had completed 8 months' diploma course in Nursing Assistant and at the time of taking admission in respondent Institute they were informed that this Institute is recognized by Government of India and they have recognition from the government for issuance diploma. It has further been alleged that when they completed their course the complainants were deployed in Mahavir Hospital Jawali, District Kangra (HP). After 2-3 days of their deployment in the hospital, the CMO of the hospital found that the diploma issued by respondent institute is fake and there is no

approval from the government for running this course. Complainants also stated that they have paid Rs. 30,000/- each for undergoing this diploma course. They requested that justice be done to them.

2. Pursuant to the complaint received by HP PERC, respondent institute was directed vide letter dated 16.06.2016 to furnish details of the courses run, duration of each course and affiliation status of the Institute. In response the respondent institute vide its letter dated 24.06.2016 stated that it does not offer any diploma courses. It is running courses for Nursing Assistant & Ward Boy under Yuva Parivartan – Authorized Training & Certification Centre (YP-ATCC) which is affiliated to National Skill Development Corporation (NSDC). The duration of Nursing Assistant Course is 120 hours + six month On Job Training (OJT) which it is arranging for its candidates. On completion of course certificate is issued for Nursing Assistant only and it does not offer any diploma courses. The respondent institute stated that the complaint for fake diploma course is false. Copy of details of activities of Yuva Parivartan, and copy of Authorized Training & Certificate Centre in the name of Aashi Institute Kangra have been enclosed. HP PERC vide its letter dated 30.06.2016 directed respondent institute to furnish approval of NSDC for running of Nursing Assistant Course, approval of fee structure and approval of curriculum and duration. However, respondent failed to furnish the desired information. Feeling dissatisfied with the reply furnished by the respondent institute, HP PERC directed representative/ head of respondent institute to appear in person before HP PERC on 4.8.2016 when Shri Mukesh Sharma Centre Head of respondent Institute alongwith Shri Nitin Sharma appeared in person. They submitted MoU entered into by respondent with Kher5wadi Social Welfare Association (KSWA) alongwith list of courses being run by respondent Institute. They stated that course curriculum/examination/certification is being issued by KSWA and they are working under KSWA as an Authorized Training & Certification Centre. The course handbook was also submitted. They stated that they are presently running only course of FNA (Female Nursing Assistant) and the course duration is nine months. Copy of Rent deed pertaining to the premises of the institute was also submitted. There is only faculty i.e. Ms. Meena Kumari . The institute was opened in April, 2015 and 20 students are in the rolls of institute. They admitted that they did not have any prescribed fee structure but fee is being charged at their own comfort i.e. Rs. 20,000/- in the head of tuition fee per student for FNA.

In addition to this the respondent institute is imparting education on computer course with following fee:

Sr. No.	Course Name	Duration	Fee charged
1.	DCA	1 year	Rs. 10,000
2.	MCST	1 year	Rs. 12,800
3.	PGDCA	1 year	Rs. 14,000

Duo stated that course curriculum, fee structure, certification and examination for computer courses is decided by Anit Computer Education Centre being run under Alma Society of Computer Education which is registered in Madhya Pradesh and this Society is conducting examination in computer courses. This computer course is being run in the Institute for the last 9 years. Representatives of the respondent institute were directed to furnish (1) list of students admitted in academic session 2015-16 with their complete addresses and phone numbers and (2) fee receipt book separately for FNA and other computer courses and the next date was fixed for 23.08.2016.

3. On 23.08.2016 Both Shri Mukesh Sharma and Shri Nitin Sharma appeared in person. Shri Mukesh Sharma submitted sample certificate being issued to the trainees. He also submitted photo copy of fee receipt book and also produced original fee receipt book. He also submitted a list of 20 students who are undergoing training programme of Nursing Assistant in Ashi Institute. He further stated that this programme is being run under National Skill Development Programme. Documents submitted were taken on record. Original receipt book was returned after verifying with the photo copies submitted. Shri Mukesh Sharma was directed not to make any admission henceforth in respondent institute till final orders of HP PERC. He was further directed that the fee collected from the complainants shall be refunded by or before 7.9.2016 in the form of cheques which shall be submitted to the Commission. He was further directed to submit affidavit to the following effects:

- (a) He shall not make any admission henceforth in Ashi Institute till final orders of HP PERC .

- (b) The fee collected from the complainants shall be refunded by or before 7.9.2016 in the form of cheques which shall be submitted to the Commission.
- (c) He shall abide by the orders issued/ to be issued by the HP PERC.

For the above purpose the case was fixed for 7.09.2016 and Representative(s) of Alma Computer Education Kangra was also directed to be called for the said date alongwith relevant record of approval/ authorization pertaining to imparting of computer education in the State of Himachal Pradesh. On 7.09.2016 Shri Mukesh Sharma and Shri Nitin Sharma appeared in person, however, due to pre-occupation could not be held on that day and next date was fixed for 14.09.2016 on which date both the representatives of respondent institute appeared in person. Shri Mukesh Sharma stated that he is running Anit Computer course centre under Alma Society of Madhya Pradesh. He submitted affidavit to the following effect:

- “(a) That I alongwith Shri Nitin Sharma appeared before the Hon’ble Member, H.P. Private Educational Institutions Regulatory Commission at Shimla on 23.08.2016.
- (b) That as per directions of Hon’ble H.P. Private Educational Institutions Regulatory Commission (HP PERC), Ashi Institute shall not make any admission, henceforth till final orders of HP PERC .
- (c) That the fee collected from the complainants shall be refunded by or before 7.9.2016 i.e. Rs. 30,000/- in favour of Ms. Kajal Kumari, Rs. 25,000/- in favour of Ms. Reena and Rs. 22,000/- in favour of Ms. Reena Kumari in the form of cheques which shall be submitted to the Commission.
- (d) That I shall abide by the orders issued/ to be issued by the Hon’ble Commission”.

Shri Mukesh Sharma furnished original cheques bearing No. 285792 dated 14.09.2016 amounting to Rs. 22,000/- drawn in favour of Ms. Reena Kumari, Cheque No. 285793 dated 14.09.2016 amounting to Rs. 25,000/- drawn in favour of Ms. Reena and cheque No. 285791 dated 14.09.2016 amounting to Rs. 30,000/- drawn in favour of Ms. Kajal Kumari.

- 4. I have gone through the entire record submitted by respondent Institute. Representatives of the respondent institute have failed to produce any approval

either from State government or Central Government or Regulatory Bodies for running either Computer Courses or Female Nursing Assistant Course in the State of Himachal Pradesh. Rather it has been found that Kherwadi Social Welfare Association (KSWA) is an NGO registered under Bombay Public Trust Act 1950 with registration No. Trust-F 419 & Society Registration Act 1860 with registration No. 3144. This Society is made partner of NSDC under Public-Private partnership scheme for implementation of National Skill Development Programmes for under privileged and school drop outs by catering to the Vocational Training programmes/ courses for youth. KSWA is involved in organizing and delivering vocational training programmes, career guidance, training and counselling services to deprived, unemployed, under-employed youth while networking with other NGOs involved in promoting youth welfare. Yuva Parivartan is a movement of KSWA which focuses on a segment of the society that is relatively ignored by the Government as well as the NGOs-less educated and deprived out of school youth helping in transformation of their lives. NSDC and KSWA is public private partnership for running National Skill Development Programmes envisaged under the scheme. However further parting with such programmes by KSWA with respondent institute does not appear to be genuine having no sanction behind it. National Skill Development Programmes are to encourage skill development for youth by providing monetary rewards for successful completion of approved training programmes as this scheme aims at: encouraging standardization in the certification process and initiate a process of creating a registry of skills; and increase productivity of the existing workforce and align the training and certification to the needs of the country; providing monetary Awards for Skill Certification to boost employability and productivity of youth by incentivizing them for skill trainings, reward candidates undergoing skill training by authorized institutions at an average monetary reward of Rs. 10,000 per candidate. As per mandatory norms, the list of all the training providers in the skill development space that are NSDC partners shall have to be available on the NSDC website. I have also gone through website of NSDC but I have not found any Authorized Training & Certification Centre in the State of Himachal Pradesh. Moreover the respondent institute is charging fee for undergoing training programme in Nursing Assistant to the tune of Rs. 30,000/- each student but without any sanction/ approval from the Government/ competent authorities. The gamut of entire practice of respondent institute has been found to subvert the basic scheme of National Skill Development

launched by the Government of India which has been tried to be converted into commercialization rather than benevolent/reward making. The MoU signed between KSWA and respondent institute specifies, “YP will work with the ATCC Applicant against payment of a onetime non-refundable registration fee of Rs. 5000/- and recurring examination and certification fee per student would be Rs. 400/- for upto two YP approved vocational training courses conducted at the ATCC. For additional course the ATCC applicant will have to pay a onetime non-refundable registration fee of Rs. 2500/- per course”. The Certificate has been issued by KSWA’s Yuva Parivartan Academy in favour of complainants as Nursing Assistant from 01.06.2015 to 29.02.2016. Apportioning the Skill Development Programmes by KSWA with Aashi Institute of Nursing in the State of Himachal Pradesh is not only illegal but contrary to the mandate of National Skill Development Scheme of the Government of India as it has deviated from the Public-Private partnership sphere, defeating the mandate of the scheme, hence this deserves to be stopped forthwith and NSDC deserves to be informed about this practice being adopted by KSWA in contravention of original scheme.

5. As per statement made by representatives of respondent Institute, this institute is running computer course programmes under Alma Society which is registered in Madhya Pradesh. I wonder if a Society registered under Societies Registration Act 1860 can enter into an MoU with a person in another State for running its programmes in that state. Registration of Society is a legal course and valid in the eyes of law with specific aims and objectives. But in order to fulfil its aims and objectives, such society shall have to fulfil all the requisite norms/formalities in such field e.g. if a Society has its objectives to run educational programmes in a state where the society is registered, it has to seek approval from concerned State government/ Regulatory Bodies/ Central Government and affiliation from concerned University to run such programmes. But in the instant case, no affiliation, no approval either from State government/ Regulatory Bodies/ Central Government has been produced. As such I am of the firm opinion that Anit Institute is running computer courses of Alma Society in the State of Himachal Pradesh illegally, as such the same deserves to be stopped henceforth.

Conclusion: 1. Shri Mukesh Sharma is directed to close Aashi Institute of Nursing Village, P.O. and Tehsil Baijnath District Kangra (HP) forthwith.

2. Shri Mukesh Sharma is further directed to close down the Anit Institute of Computer Education Village, PO and Tehsil Baijnath District Kangra (HP) forthwith.
3. All the three cheques issued by Shri Mukesh Sharma be handed over to respective complainants personally after calling them to HP PERC office alongwith original certificates/diploma issued by Asshi Institute.

Copy of the orders be supplied to Shri Mukesh Sharma son of Shri Chaman Lal Sharma, resident of Village, PO and Tehsil Baijnath, District Kangra (HP).

NSDC be informed about the observation given in para-4 of the Order.

Orders be hosted on the website of the HP PERC.

File after completion be consigned to record room.

Announced

Sd/-
(Sunil Sharma)
Member