

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

Suo Moto Case No. 09 of 2016
Date of Institution: 06.08.2016
Date of Decision: 02.09.2016

In the matter of:

Sanjay Gandhi College, Below H.P. Co-Operative Bank, Chhota Shimla-171002 through its Incharge Shri Sumer Singh Yadav.

Present: Shri Sumer Singh Yadav, Incharge of Sanjay Gandhi College, in person.

ORDER

1. H.P. Private Educational Institutions Regulatory Commission (HP PERC) vide its letter No. HPPEREC/55/General Complaints Vol-II/2015 to 2428 dated 06.08.2016 called for basic information inter alia from **Sanjay Gandhi College** (SGC) within a week's time. However, SGC did not respond to such communication and a reminder was issued on 27.8.2016. Shri S.S. Yadav Incharge SGC vide his letter dated 27.08.2016 provided the information vide which he stated that SGC/Coaching Institute was established in the year 1996. The SGC/ Institute is providing guidance to the students seeking admission /coaching to the entrance examination of various Universities. It has further been stated that that the SGC/ Institute does not run regular classes or conduct any kind of examination for providing degree. The guidance is provided to the students for admission /coaching in B.A/B.Com/ MA/M.Com/ B.Ed. (Correspondence)/BBA/MBA/BCA/MCA & Library Science enabling the students to get admission in different Universities. Surprisingly after receiving reply from SGC, in severe contradictions of the reply, the management of SGC/ Institute issued a public notice in the newspaper "Dainik Bhaskar" on 31.08.2016 thereby clearly mentioned the name of the Institute as "**Sanjay Gandhi College**". The admission mentioned for the session 2016-17 not only for Matric and 10+2 classes but also for BA/MA/B.Com./ M.Com/ BBA/ MBA/BCA/MCA/B.Sc./M.Sc./B.Lib./ M.Lib./ M. Phil/ B.Tech./ M.Tech/ PGDCA/ B.Ed./ M.Ed and NTT form Government approved Universities with the examination Centre in the College. Contact Number has also been given in the newspaper which reads, "98160-27240, 98167-51146".
2. Pursuant to the reply and the notifications appearing in the newspaper **Sanjay Gandhi College** was immediately contacted on the mobiles numbers given in the advertisement and the concerned person was called for personal hearing on 31.08.2016. Shri Sumer Singh Yadav appeared in person in the capacity of Incharge of the College and stated that this College is rendering help to the aspiring students to get admission in different Universities through Distance Education Programme for the courses mentioned in the notification. The examinations are got conducted at

different examination centres of different Universities. When confronted with the advertisements issued in the newspaper on 31.08.2016, he stated that the College is doing consultancy work for admission of students/ providing guidance to the students in various types of Distance Education Programmes in different Universities outside the State of Himachal Pradesh. He failed to produce any approval from the State Government for running this College. **He failed to produce any documentary proof to run Distance Education Programmes of the Universities outside the State of Himachal Pradesh.** From advertisements released by Shri S.S. Yadav it is apparent that under the name of Sanjay Gandhi College Shri Yadav is running regular courses of BA/MA/B.Com./M.Com/ BBA/ MBA/BCA/ MCA/B.Sc./ M.Sc./B.Lib./ M.Lib./ M. Phil/ B.Tech./ M.Tech/ PGDCA/ B.Ed./ M.Ed and NTT for imparting education under Distance Education Programme of various Universities.

3. **The Government of Himachal Pradesh vide its letter No. EDN-A-Ka (9)-1/2009-Loose dated August, 2014 in reference to UGC letter No. F.9-8/2008 (CPP-1) dated 16.04.2009 has made it clear that Off-Campus, Study Centre and Franchise in the name of Distance Education Programmes outside the territorial jurisdiction of the respective University is not permissible in the light of observations made by the Hon'ble Supreme Court of India in the case of Prof. Yashpal Vs. Government of Chhattisgarh. The Off-Campus Centre(s) within the State shall be opened only as per the regulations/provisions laid down in the UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003 and with the prior approval of UGC/ State Government. This clarification has been given in respect of State Universities/ State Private Universities of other States.**
4. **The HP PERC in its order dated 15.10.2014 rendered in Case No.2 of 2012 and Case No.3 of 2012 has already ordered to close down the institute named "Business Institute of Management Studies Shimla" which was running Distance Education Programmes of Sikkim Manipal University in the State of Himachal Pradesh without any approval from the competent authorities i.e. UGC and State Government.**

The above mentioned orders were assailed by the Business Institute of Management Studies before the Hon'ble High Court of Himachal Pradesh in CWP Nos. 8789 and 8781 of 2014 in case titled Business Institute of Management Studies Versus State of Himachal Pradesh and others. The Hon'ble High Court of Himachal Pradesh vide its judgment dated 24.07.2016 not only upheld the orders passed by HP PERC but also saddled Business Institute of Management Studies with cost of Rs. 10,000/- each.

6. **Therefore, it was concluded that Shri Sumer Singh Yadav is running Sanjay Gandhi College on regular basis imparting education in BA/MA/B.Com./M.Com/BBA/ MBA/BCA/MCA/B.Sc./M.Sc./B.Lib./ M.Lib./ M. Phil/ B.Tech./ M.Tech/ PGDCA/ B.Ed./**

M.Ed and NTT under Distance Education Programme without approval/recognition from State Government/ Centre Government/ concerned regulatory bodies which is illegal and in violation of **UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003** and instructions issued by the Government of Himachal Pradesh. The public notice of Sanjay Gandhi College is totally against law and giving misleading contents as – “From Govt. Approved Universities”, “Exam Centre –Our Institute”. These misleading contents are attracting the students as “Sanjay Gandhi College” is a regular College as well as providing different courses under Distance Education Programme of various Government approved Universities.

In view of above Shri Sumer Singh Yadav was directed to close down Sanjay Gandhi College immediately for imparting education in BA/MA/B.Com./ M.Com/ BBA/ MBA/BCA/MCA/B.Sc./M.Sc./B.Lib./ M.Lib./ M. Phil/ B.Tech./ M.Tech/ PGDCA/ B.Ed./ M.Ed and NTT under Distance Education Programme and submit affidavit in this regard. On 02.09.2016 Shri Sumer Singh Yadav appeared in person and submitted affidavit to the following effect:

- “1. That inadvertently I had released public notice in the newspaper “Dainik Bhaskar” on 31.08.2016 for admission in Sanjay Gandhi College Shimla for the session 2016-17 in BA/MA/B.Com/M.Com/BBA/MBA/ BCA/MCA/B.Sc./M.Sc./ B. Lib./ M.Lib/ M. Phil/ B. Tech/ M.Tech/ PGDCA/ B.Ed./M.Ed and NTT courses.
2. That the H.P. Private Regulatory Commission (HPPERC) had called me for personal hearing on 31.08.2016 and I was heard at length. Pursuant to the orders of the HPPERC, I have closed down Sanjay Gandhi College and shall not run any courses mentioned above or any other courses of higher education in the above said institute even in Distance Education Programme without the approval of competent authorities.
3. That in future I shall not release any misleading advertisement in the name of admission in Sanjay Gandhi College, in default I shall be liable to be penalized by HP PERC.
4. That if any complaint is received by the HPPERC from any student/parents, I shall refund the entire fee so collected to such complainant(s).”

On 02.09.2016, HP PERC came to know about three more misleading public notices in newspaper; Dainik Bhaskar 29.08.2016 & 01.09.2016 and Amar Ujala on 02.09.2016. These three public notices are clearly mentioning “**Admission Open in Sanjay Gandhi College**” on the same courses which are mentioned above. Even the public notice appearing on **2.9.2016** (Amar Ujala) contains further **misleading** contents i.e. “**Govt. Valid Exam: Shimla**”.

Shri S.S. Yadav was directed to explain the reasons for issuing three more public notices in the newspaper for the admission in Sanjay Gandhi College. Shri S.S. Yadav

accepted that these advertisements have been published and tendered unconditional apology and stated that it will never happen again.

The apology tendered by Shri S.S. Yadav was accepted and in view of the closure of Sanjay Gandhi College and Affidavit submitted by him to this effect, the case is closed.

Copy of the Orders be supplied to Shri Sumer Singh Yadav
Orders be hosted on the website of HP PERC
File after completion be consigned to record room.

Announced in open Court.

Sd/-

(Sunil Dutt Sharma)
Member