

**BEFORE THE HIMACHAL PRADESH PRIVATE EDUCATIONAL INSTITUTIONS
REGULATORY COMMISSION, SHIMLA**

In the matter of:-

Suo-motu Case No. 1 of 2011

Manav Bharti University, Solan

Village Lado, PO Sultanpur via Kumarhatti, Distt. Solan (HP)

(Decided on 25th April, 2012)

CORAM

**Sarojini Ganju Thakur
Chairperson**

PRESENCE

**For University Prof. S.P. Bhardwaj, Vice Chancellor
 Dr. Khushwant Singh, Registrar**

ORDER

(Last heard on 12th April, 2012 and orders reserved)

The Manav Bharti University, Laddo Sahib (Sultanpur) Solan (hereinafter referred as “the Manav Bharti University” or “the University”), constituted under Section 4 of the Manav Bharti University (Establishment and Regulation) Act, 2009 (Act No 22 of 2009), is providing instructions, teaching and training in higher education and is to ensure that the standards of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by the regulatory bodies.

2. After taking stock of the fact of the setting up of Private Universities through State Acts, the University Grants Commission (UGC), set-up under the University Grants Commission Act, 1956, felt the need of effective regulations for maintenance of standards of teaching, research, examination and extension services in the private universities and has framed the University Grants Commission (Establishment and Maintenance of Standards in the Private Universities) Regulations, 2003. The said

regulations provide that a private university is to fulfil certain minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability, etc. as laid down from time to time by the UGC and other concerned statutory bodies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Technical Education (NCTE), the Pharmacy Council of India (PCI) etc. The admission procedure, fixation of fees and the programmes of studies leading to a degree and/or a post-graduate degree/diploma offered by a private university are to conform to the relevant regulations/norms of the UGC or the concerned statutory body.

3. In view of the fast expansion of institutions of higher education in the private sector and the need to ensure delivery of quality education the Govt. of Himachal Pradesh has established the Himachal Pradesh Private Educational Institutions Regulatory Commission (hereinafter referred as “the Commission”) under Section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No 15 of 2011). The Commission is providing a regulatory mechanism in the State, and is working as an interface between the State Government and the Central Regulatory bodies to ensure appropriate standards of admission, teaching, examination, research, extension programmes and protection of interest of students in the Private Educational Institutions of higher learning i.e. beyond 10+2 level.
4. For the purpose of the Act No. 15 of 2011 the Private Educational Institutions mean and include all the private educational institutions in the State viz., Degree Colleges, Professional Colleges of Education, Institutes of Technical Education, Management, Law, Engineering, Medicine, Pharmacy, Paramedical Institutions and Universities, Deemed Universities, Centres of Excellence, or any other educational institutions of higher learning, except schools affiliated to any recognised Board of School Education.
5. Section 9 of the Act No 15 of 2011, which enlists the main powers to be exercised and functions to be performed by the Commission, reads as under:-

“9. Powers and functions of the Commission:-

- (1) It shall be the duty of the Commission to ensure that standards of admission, teaching, examination, research, extension programme, qualified teachers and infrastructure, are being maintained by the Private

Educational Institutions in accordance with the guidelines issued by the Regulatory Bodies of the Central Government or the State Government or by the Central Government or the State Government from time to time. In case of failure of the Educational Institution to meet the standards laid down, the Commission shall have the power to penalize the Educational Institutions under section 11 of the Act and in case of successive failure of an Institution to meet the standards, the Commission may recommend to the State Government/ Regulatory Body for the winding up of the Institution.

- (2) The Commission shall ensure that the admissions in the Private Educational Institutions are based on merit achieved in National Common Entrance Test or the State Common Entrance Test or any other test as notified by the State Government and where there is no National Level Common Entrance Test, or State Level Common Entrance Test or any other test, the merit shall be determined strictly on the basis of the marks obtained in the qualifying examination.
- (3) The Commission shall develop an appropriate mechanism for receipt and redressal of grievances of students and parents, and direct the private institution to set-up a proper Grievances Redressal mechanism for redressal of complaints reported to the Commission. Such complaints shall be addressed within the time fixed by the Commission with details of the steps taken by the institution to redress such complaint.
- (4) The Commission may conduct inspections of Private Educational Institutions as and when required and may form expert committees, for inspections of Private Educational Institutions.
- (5) The Commission shall have the power to monitor and regulate fees in Private Educational Institutions.”

6. Section 11, which provides for imposition of penalties for contravention of the provisions of the Act, Rules and regulations made thereunder, reads as under:-

“11. Penalties: —

- (1) The Commission may, for the contravention of any of the provisions of this Act or the rules or regulations made thereunder, or directions issued by the

Commission, impose penalty, in such manner as may be prescribed, but not exceeding one crore rupees:

Provided that the maximum penalty for a second or subsequent contravention shall be five crore rupees:

Provided further that no penalty shall be imposed unless the institution concerned is given an opportunity of being heard.

(2) The penalty imposed under sub-section (1) shall be recoverable from the endowment fund or any other Fund or as arrear of land revenue from the Educational Institution concerned.”

7. Rule 6 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Rules, 2011, which lays down the minimum and maximum limit of the penalty to be imposed under Section 11 of the Act No. 15 of 2011, reads as under:-

“6. Amount of penalty to be imposed: -

(1) The Commission shall be empowered to impose penalty on the Private Educational Institutions and Universities as per provisions laid down in section 11 of the Act and the minimum penalty shall be as follows :-

(a) Admission: - If the admission of the student is done in violation of section 9 of the Act, penalty shall be twice the amount of actual fee charged by the Private Educational Institutions from such student.

(b) Deviation of fee charged from the student: - In case any admitted student is charged fee in excess of the amount fixed and approved by the Government / Competent Authority, under the provisions of an Act, the penalty shall be three times the actual amount charged from the student over and above the specified fee.

(c) Qualification of teachers: - In case a teacher is appointed who does not fulfil the qualification as specified by the Regulatory body then penalty of ₹ 20,000/- per month per such (unqualified) teacher, shall be imposed on the Institution.

- (d) **Shortage of the teachers:** - If the number of teachers appointed to teach a course is not as per the requirement specified by the Regulatory body then penalty of ₹ 20,000/- per month per shortfall of teacher shall be imposed on the Institution. After three months the rate of the penalty shall be doubled.
- (e) **Examination:** - Any degree/diploma/ certificate awarded to a student without the proper conduct of examination and evaluation shall invoke a penalty of ₹ 25 lakh per student.
- (f) **Infrastructure:** - If the infrastructure of the institution is found short of the norms set for infrastructure by the Regulatory body or the Government, the penalty at the rate of ₹ 2 lakh per month shall be charged till such time the deficiency is made good and its compliance reported to the Commission.
- (g) **Distance Education Mode or Extension Centres:** - If an educational institution starts any distance education programme or its extension centre without the prior approval of the Government and also of the regulatory body, a penalty of ₹ 10 lakh per month shall be imposed, till discontinuation of the same.
- (h) **All other remaining issues and matters:** - On other issues, not covered under clauses (a) to (g) of this rule, projecting any kind of violations of the provisions of the Act and these rules, penalty shall be imposed at the rates as may be deemed fit by the Commission, but in no case the penalty shall be more than the maximum penalty provided under the Act.
- (2) The Commission before imposing any penalty shall give an opportunity to the concerned Institution to present and defend its case, and then pass a reasoned order for imposing the penalty.
- (3) The Commission shall be empowered to impose maximum penalty on any of the issues and matters covered under clauses (a) to (h) of sub-rule (1) of this rule in accordance with the provisions of section 11 of the Act.”

8. In brief the provisions mentioned in the preceding paras of this order cast the following duties on the Commission:-

- (a) to ensure compliance of standards laid down for admissions, teaching, examination, research, extension programme, qualified teachers and infrastructure, etc. in the private educational institutions;
- (b) to penalise the Educational Institutions under Section 11 for contraventions of the Act and Rules etc.;
- (c) to develop mechanism for redressal of grievances of students and parents;
- (d) to hear complaints referred to the Commission;
- (e) to conduct inspections of Private Educational Institutions and to form expert Committees for inspections.
- (f) to make recommendation for winding up of defaulting Institutions;

9. With a view to ensure that the standards of admission, teaching, examination, research, extension programme, qualified teachers and infrastructure, are being maintained by the Manav Bharti University in accordance with the guidelines issued by the regulatory bodies and admissions in the said University are based on merit achieved in the National Common Entrance Test or the State Common Entrance Test or any other test as notified by the State Government and where there is no National Level Common Entrance Test, or State Level Common Entrance Test or any other test, the merit is being determined strictly on the basis of the marks obtained in the qualifying examinations, the Commission, in exercise of its powers under sub-section (4) of Section 9 of this Act No 15 of 2011, constituted on 23.09.2011, an expert Committee, comprised of the following, to conduct the inspection of the said University: -

- | | | |
|------|---|----------|
| I. | Prof. T. C. Bhalla, Deptt. of Biotechnology, H. P. University Shimla. | Chairman |
| II. | Prof. Anil Kanga, Head of Microbiology, IGMC Shimla. | Member |
| III. | Dr. Joginder Singh, Principal, Govt. Polytechnic (W) Kandaghat. | Member |
| IV. | Sh. Lal Singh Thakur, Joint Controller, DTE Sundernagar. | Member |
| V. | Sh. K. K. Vaidya, Principal, Govt. Degree College, Darang Mandi. | Member |

10. The terms of reference of the expert Inspection Committee were as under: -

- “(i) to examine the total number of courses offered by University since its inception and those that are presently running, whether the courses offered are only of approved courses, including whether the courses advertised on the website are only of approved courses (as on date of inspection there was a complete confusion

about this), the number of students enrolled for the various courses, the admission process and the nature of fees charged;

- (ii) to examine the adequacy of the Faculty in terms of prescribed qualifications, experience and in strength (numbers);
- (iii) to review the level of infrastructure available for different courses and examine the adequacy for the conducting of professional courses i.e. engineering, hotel management, yoga etc.;
- (iv) to examine the nature, existence and planning for research programme (apart from Faculty already enrolled as staff pursuing Ph. D programmes);
- (v) to clarify the status of the title of the land, to review building plan with a view to examine whether the provisions, existing and proposed, conform to established norms and standards.”

11. The Inspection Committee visited and conducted the inspection on 14.11.2011 and 15.11.2011 and submitted its report to the Commission based on the inspection of various class rooms, labs, workshops, library etc.; interaction with the University authority, students and Faculties, verification of record of admission, fee structure and approval of courses. The said Committee also examined the adequacy of Faculty and reviewed the infrastructure available for running the various courses and status of land etc.

12. It is the basic tenet of principles of *audi alterm partem rule* and of natural justice, and a fundamental requisite of due process of Law to provide an opportunity of being heard to the affected party and hearing must be at meaningful time in a meaningful manner. The Apex Court in its decision rendered in **Bhagwati V/S Subordinate Services Selection Board 1995 Supp (2) SCC663** has held that no order to the detriment of a person can be passed without affording him an opportunity of hearing. The right to be heard is judicially insisted upon as flowing from the guarantee of equal protection of laws comprised in Article 14 of the Constitution of India. In **Maneka Gandhi V/S Union of India (1978) 1SCC 248**, it was held that requirement to be heard is a part of the fair administrative procedure.

13. Keeping in view the aforementioned verdicts of the Hon'ble Apex Court and also the provisions of the second proviso to sub-section (1) of Section 11 of Act No. 15 of 2011, read with sub-rule (2) of rule 6 of the Rules framed thereunder, the Commission, before it forms opinion and places its reliance on the findings, on various issues, contained in the expert Committee report and also before taking the decision as to whether the Manav Bharti University has violated or not the norms specified by the regulatory

bodies or has become liable or not to the penalties as laid down under Section 11 of the Act and the Rules framed thereunder, the Manav Bharti University was called upon to show cause as to why action should not be initiated against the University/sponsoring body under Section 11 of the Act No. 15 of 2011 on the basis of the findings of the Inspection Committee on the following issues, so that the University could produce such evidence as it may consider relevant and necessary to present and defend its case: -

- (i) Admissions to various unapproved courses.
- (ii) Admission of students not fulfilling the basic qualifications.
- (iii) Shortfall in appointments and Faculty strength.
- (iv) Inadequate infrastructural facilities.

14. In response to the aforesaid show cause notice the Registrar of the Manav Bharti University, who is authorised, under Statute 6(4) (f) of the First Statutes of the University, to represent the University in proceedings against the University, has offered, on behalf of the University, reply/comments in relation to the findings of the Expert Inspection Committee. Subsequently Raj Kumar Rana the Chancellor, Prof. S. P. Bhardwaj the Vice Chancellor and Dr. Khushwant Singh, the Registrar of the University also appeared in person before the Commission to support and to clarify the stand of the University, and their submissions being incomplete and insufficient they were asked to submit full detailed data/ statements, supported by an affidavit of the competent officer of the University, to enable this Commission to adjudicate the matter in its proper perspectives. On the subsequent hearing held on 12.04.2012, Dr. Khushwant Singh, the Registrar of the University, who was present in person, submitted affidavit in support of the reply, information and data already furnished on behalf of the University and also stated he has nothing more to add.

15. Now with the statutory background and factual matrix of the case, as set out in the preceding paras of this order, the Commission proceeds to deal with each of the findings on the major contraventions reported by the Expert Inspection Committee.

Finding No. 1: - Admission to various unapproved courses.

16. Observation of the Expert Inspection Committee:-

Admission to 22 courses have been effected by the Manav Bharti University in the academic session 2011-12 against the approval of three courses/fees viz., B. Pharma (Ayurveda), BHMCT, Diploma in Naturopathy and Yoga without approval of the State Government, as required under Section 31 (5) of the Manav Bharti University (Establishment and Regulation) Act, 2009.

17. Comments of the University:-

The University has made admission to the academic session 2011-12 on the basis of fee structure approved by the Government for the year 2010-11. The University has been repeatedly requesting the GOHP to approve this procedure adopted in making admissions for the session 2011-12. In Section 32 of the Manav Bharti University (Establishment and Regulation) Act, 2009 there is no provision that the fee structure has to be got approved from the Govt. every year, but under sub-section (4) of that Section the fees structure approved by the Govt. is to remain valid until next revision. Whereas, the University had not applied for the approval of the fees structure for the three courses for the session 2011-12, except for introduction of few new courses. The Govt. had conveyed, on 30.08.2011 the approval of the fees structure of only three courses that is B. Pharma (Ayurveda), BHMCT, Diploma in Naturopathy and Yoga. It is further urged on behalf of the University that the University was not aware about the Amendment Act, 2010 (Act No 18 2011), which received the assent of the Her Excellency the Governor on 31.01.2011 and provided that the University shall seek prior approval of the State Govt. for admitting the new students in subsequent years in the existing courses or for starting new courses, which shall be subject to the recommendations of the Inspection Committee to be set up for the purpose. Further, the University pleads that under these circumstances the University has not violated any provisions of Law.

Views of the Commission:

18. Sub-section (5) of Section 31 of the Manav Bharti University (Establishment and Regulation) Act, 2009, as inserted vide Act No. 18 of 2011, reads as under;-

“31(5). The University shall seek prior approval of the State Govt. for admitting new students in subsequent years in the existing courses or for starting new courses which shall be subject to recommendation of the inspection committee set up for the purpose. This shall be applicable till the first batch of final year students are admitted.”

19. Section 37 of the Act (ibid), reads as under;-

“37. **University to follow rules, regulations, norms etc. of the regulatory bodies.**- Notwithstanding anything contained in this Act, the University shall be bound to comply with all the rules, regulations, norms etc. of the regulatory bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.”

20. The requirement of the course approval, after consideration of the recommendations/suggestions to be made by the Inspection Committee set up under Section 31(5) of the Act No. 22 of 2009, is mandatory and as such an institution is not entitled to start courses, unless it fulfils the conditions or the instructions issued by the State Govt. and the University Grants Commission and other regulatory bodies set-up under the law.
21. The object of course approval on the recommendation of the Inspection Committee is to ensure that the infrastructure and faculty requirements are fulfilled. Before according the approval for courses the State Govt. is required to consider the following aspects;-
- (I) whether the institution would be in a position to offer minimum standards in conformity with the Act and regulations;
 - (II) whether institution has adequate resources;
 - (III) whether the institution has provided or would provide, within the time limit, the necessary staff, equipment, accommodation, training facilities to ensure proper functioning of the institutions;
 - (IV) whether the faculty having recognised qualifications and personnel in the field, will be available to impart proper training to the students;
 - (V) whether other factors prescribed by relevant regulatory bodies have been complied with.
22. The argument that the University was not aware about the insertion of Section 31(5) of Act No 22 of 2009, vide the Amendment Act No. 18 of 2011, and of its obligation to seek prior approval of the State Govt for admitting new students in subsequent years in the existing courses or for starting new courses, is not tenable. Firstly *ignorantia Legis non excusat* i.e. the ignorance of law is no excuse. Secondly it is also settled law that those managing affairs of Institutions did not belong to the category of innocent illiterate persons who were not conversant with the relevant statutory provisions. The Apex Court decision in **A. K. Roy and Anr V/S State of Punjab and Others 1986 SC2160** is that when a power is given to do a certain thing in a certain way the thing must be done in that way. It is also well settled that what cannot be done directly cannot be allowed to be achieved indirectly. In the case of **UP Cooperative Federation V/S Singh Consultants 1988 (1) SCC174** it was held that one cannot do something indirectly what one is not free to do directly. Again in case of **Sangaram Singh V/S Shantadevi 2005 (II) SCC314** the Supreme Court held that it is trite that what cannot be done directly cannot be done indirectly. To the same effect is the decision of the Supreme Court in the case of **Jagir Singh V/S Ranbir Singh 1979 (1) SCC560**. To start a course, the University is required to fulfil the obligatory requirement of Sub-section (5) of

Section 31 of the Act No. 22 of 2009. Starting a new course by the University, without the prior approval of the State Govt. would be setting at naught a policy specifically enacted by the Legislature. Thus, without going through the process of Section 31(5) of Act No. 22 of 2009, the prior approval of courses from the State Govt. cannot be assumed barely on the basis of approval of the fee structure for the previous academic session under Section 32 of the Act (ibid).

23. The University has admitted six students in B. Sc. (MLT) course during the academic session 2011-12 for which fee structure was not approved by the Government even for the session 2010-11 which is an explicit contravention of the admission norms. Therefore stand of the University on this account is too not tenable. This Commission has no hesitation to hold that by admitting the students to the unapproved course the University has contravened the provisions of Section 31(5) of Act No. 22 of 2009. On account of these admissions the University has charged an amount of ₹ 165500/- (rupees one lakh sixty five thousand five hundred only) as admission fee from six students during the academic session 2011-12, therefore, taking cognisance of the contravention of specified admission norms by the University, a penalty of ₹ 331000/- (rupees three lakhs thirty one thousand only) which is the minimum penalty prescribed under clause (a) of sub-rule (1) of Rule 6 of the H.P. Private Educational Institutions (Regulatory Commission) Rules, 2011 is leviable on the University.
24. Per record, out of the total 22 courses offered by the University during 2011-12, 21 courses are the same for which fees were approved by the Government for the session 2010-11, except the 01 course viz., B. Sc. (MLT), which has no mention in the fees approval granted by the Govt. during the academic session of 2010-11. In these 21 unapproved courses the University has admitted 293 students during the academic session of 2011-12, which is the violation of admission norms by the University. However, keeping in view the procedure followed by the Government in other similar cases wherein approval of courses and fees were granted during the academic session 2011-12, the Commission hereby takes a lenient and rational view on this violation at this stage and, also keeping into consideration the interest of the students, decides not to impose penalty, till final decision by the Govt. of Himachal Pradesh on approval of courses for the academic session 2011-12. Subsequent to the Govt. decision, if any, course(s) remains unapproved for this session it would be open for the Commission to take penal action as per the provisions of the law.

Finding No. 2: - Admission of students not fulfilling the basic qualifications.

25. Observation of the Expert Inspection Committee:-

Regarding admission criteria followed, it is stated that after having the admission notice advertised, the University admitted the students to various courses/programs on the basis of pass percentage in the qualifying examinations without holding the entrance test. However on sample checking, it was found that in few cases the students having reappear/compartement were also given admission. The fee charged by the University is as per fee structure approved by the Govt.

26. Comments of the University:-

As regard the matter of admitting the reappear/compartement students, it is submitted that in such cases provisional admission has been given subject to passing of reappear/compartement subjects. To the best of our knowledge this provision exists in all the educational institutions (Govt./Private). It is a separate matter that reappear/compartement cases do not exist anywhere in the merit list waiting for admissions in some of the Govt. Universities/Institutions.

Views of the Commission:-

27. Section 9(2) of the Act No. 15 of 2011 cast duty on the Commission to ensure that the admissions in the Private Educational Institutions are based on merit achieved in National Common Entrance Test or the State Common Entrance Test or any other test as notified by the State Government and where there is no National Level Common Entrance Test, or State Level Common Entrance Test or any other test, the merit is determined strictly on the basis of the marks obtained in the qualifying examination.

28. Section 31 of the Manav Bharti University (Establishment and Regulation) Act, 2009 (Act No 22 of 2009 and Statute 40 of the First Statutes of the Manav Bharti University, provide that subject to the provisions of the Act and any other law for the time being in force, the admission in the undergraduate/integrated/postgraduate/doctoral programs shall be strictly on the basis of the merit/rank in the entrance examination conducted at the State Level/All India Level or marks /Grades obtained in the qualifying examination and achievements in co-curricular activities in case no entrance test is conducted at State Level/ All India Level for programs, the University may conduct its own entrance test. In case no examination is conducted by the University, merit in the qualifying examination shall be the criteria for admission. Subject to various provisions of the Act, the eligibility criteria and procedure for admission in various programs run by the University is to be in conformity

with the Ordinances/Regulations framed under Sections 28, 29 and 30 of the said Act. Further Section 37 of the said Act casts duty on the University to comply with all the rules, regulations, norms etc. of the regulatory bodies. Whereas the admission process for professional and technical course necessarily has to be based on an entrance test, the mode of admission for the entire professional course based on qualifying percentage is a violation of provision of sub-section (2) of Section 31 of the Act No 22 of 2009. Further as per norms of AICTE the minimum eligibility criteria for all the courses are not met by the University.

29. There is no provision in the Act, Statutes and regulations of the University to make any relaxation in the admission norms laid down by the Regulatory bodies. In its reply though the University claims to have admitted students to various courses/programs on the basis of the pass percentage in the qualifying examination, without holding any entrance test, yet as per the information/details supplied by the University in the following cases the students, having reappear/compartement even in entry level qualifying examination, stands admitted,-

| S. No. | S. No. Subject wise | Name of the Student | Father's Name | Reappear in class (Entry level qualification) | Name of Course in which admitted in MBU | Rec. No. | Admission Fee Received by the University |
|----------------|---------------------|---------------------|---------------------|---|---|------------------|--|
| MBA | | | | | | | |
| 1. | 1. | Yeshpal Sharma | Jagdish Chand | BA 3 rd | MBA | 8137 | 40000 |
| 2. | 2. | Jagdish Chand | Dina Nath | BA 3 rd | MBA | 8297, 8378, 9449 | 40000 |
| 3. | 3. | Amit Kumar | Shyam Prakash | BA | MBA | 8744 | 40000 |
| 4. | 4. | Nitin Mahajan | Manohar Lal | BA | MBA | 8671, 8971 | 30000 |
| MCA | | | | | | | |
| 5. | 1. | Govind Singh | Man Chand | BCA | MCA | 7833 | 40000 |
| 6. | 2 | Nitin Joshi | Deep Ram Joshi | BCA | MCA | 8528, 1064 | 40000 |
| 7. | 3. | Sunil Kumar | Sunder Singh | PGDCA | MCA L.E. | 8845, 9190 | 40000 |
| 8. | 4. | Manoj Kumar | Narotam Ram | PGDCA | MCA L.E | 8844, 9163 | 40000 |
| M TECH. | | | | | | | |
| 9. | 1. | Ashish Attri | Mohan Dutt Attri | B Tech. | M. Tech. (Mech. Engg.) | 7839 | 40000 |
| 10. | 2. | Abhishek Patyal | Pritam Patyal | B Tech. | M. Tech. (ECE) | 8307, 1046, 4 | 40000 |
| 11. | 3. | Shilpa Sharma | Surender Pal Sharma | B. Tech. | M. Tech. (CSE) | 8350, 8927 | 25000 |
| 12. | 4. | Monika Thakur | Rajinder Kumar | B. Tech. | M. Tech. (CSE) | 8351, 8680 | 25000 |
| 13. | 5. | Sachin Kumar | Barkha Ram | B. Tech. | M. Tech. (CSE) | 8870 | 39000 |
| 14. | 6. | Manoj | Jai Krishan | M. Sc. | M. Tech. (IT) | 8872, 8877 | 40000 |

| M. Sc. | | | | | | | |
|--------------------|-----|-------------------|-------------------|---|---------------------------------------|---------------------|-------|
| 15. | 1. | Manjit Rohilla | Nanu Ram | B Sc. | M Sc. (Biotech) | 8679 | 40000 |
| MPT | | | | | | | |
| 16. | 1. | Aradhna Thakur | Harminder Singh | BPT | MPT (Ortho) 2 nd Sem | 8429 | 30000 |
| M. Pharmacy | | | | | | | |
| 17. | 1. | Imran Khan | Gufoor Khan | B. Pharma 8 th Sem | M Pharma (Ceutics) | 8113 | 3500 |
| 18. | 2. | Baljeet Singh | Churhu Ram | B. Pharma 2 nd , 8 th Sem | M. Pharma (Ceutics) | 8110, 8917 | 80000 |
| 19. | 3. | Virender Tomar | Ram Lal Tomar | B. Pharma 7 th Sem | M. Pharma (Ceutics) | | |
| 20. | 4. | Paramjeet Singh | Dilbag Singh | B. Pharma | M. Pharma (Ceutics) | 8769, 1075 | 80000 |
| 21. | 5. | Kripanshu Jamwal | Mahender Singh | B. Pharma | M. Pharma (Ceutics) | 8809, 9052, 1047 | 80000 |
| B. Pharmacy | | | | | | | |
| 22. | 1. | Dheeraj Kumar | Anil | 10th | B. Pharma (Ayur) L.E | 8686 | 30000 |
| 23. | 2. | Rajat Kumar Verma | Lakshmi Ram | 10+2 | B. Pharma (Ayur) L.E | 7841, 8381 | 40000 |
| B. Tech. | | | | | | | |
| 24. | 1. | Rishu Thakur | Yash Pal Thakur | 10+2 | B. Tech. (Mech.) | 8114, 8607 | 40000 |
| 25. | 2. | Anshul Sharma | Gian Sharma | 10+2 | B. Tech (Mech.) | 8510 | 35000 |
| 26. | 3. | Devendera Kumar | Om Beer Singh | 10+2 | B. Tech (Mech.) | 8402 | 40000 |
| 27. | 4. | Rajesh Kumar | Dharam Chand | 10+2 | B. Tech (Mech.) | 8167, 8291 | 40000 |
| 28. | 5. | Rohit Kumar Mehta | Jasbant Singh | 10+2 | B. Tech (Mech.) | 8791 | 40000 |
| 29. | 6. | Nadeem Adhed | Dilawar Hussain | 10+2 | B. Tech. (Mech.) | 8800, 8851 | 40000 |
| 30. | 7. | Arun Kumar | Subhash Chand | Diploma | B. Tech. (Mech. L.E.) | 8169 | 1000 |
| 31. | 8. | Kamal Kishor | Chini lal | Diploma | B.Tech. (Mech. L.E.) | 8370, 9104 | 40000 |
| 32. | 9. | Rohtash Kumar | Mahavir Singh | Diploma | B.Tech. (Mech. L.E.) | 8621, 9029 | 40000 |
| 33. | 10. | Aashish | Ranvir Singh | Diploma | B.Tech. (Mech. L.E.) | 8620, 1076 | 40000 |
| 34. | 11. | Nishant Sharma | Basant lal Sharma | Diploma | B.Tech. (Mech. L.E.) | 8611 | 35000 |
| 35. | 12. | Vikrant Singh | Rajinder Singh | Diploma | B.Tech. (Mech. L.E.) | 8612 | 35000 |
| 36. | 13. | Kamal Kishore | Yog Raj | Diploma | B.Tech. (Mech. L.E.) | 8610 | 35000 |
| 37. | 14. | Prittam Singh | Pratap Singh | Diploma | B.Tech. (Mech. L.E.) | 8691 | 40000 |

| | | | | | | | |
|-----|-----|-----------------------|---------------------------|--------------------------------|--------------------------|------------|-------|
| 38. | 15. | Deep Kumar | Udham Singh | Diploma | B.Tech. (Mech. L.E.) | 8739 | 40000 |
| 39. | 16. | Lakshay Sharma | Ved Prakash | Diploma | B.Tech. (Mech. L.E.) | 8784 | 40000 |
| 40. | 17. | Vishal Kashyap | Desh raj Kashyap | Diploma | B.Tech. (Mech. L.E.) | 8878, 8946 | 40000 |
| 41. | 18. | Prateek Nailwal | Suresh Chand Nailwal | Diploma | B. Tech. (Mech. L.E.) | 9167 | 40000 |
| 42. | 19. | Sumit | Jagar nath | Diploma | B. Tech. (Mech. L.E.) | 8962 | 40000 |
| 43. | 20. | Devansh Thakur | Suresh Thakur | Diploma | B.Tech. (Mech. L.E.) | 8998,9140 | 40000 |
| 44. | 21. | Subhash Chauhan | Balbir Chauhan | Diploma | B.Tech. (Mech. L.E.) | 8880 | 40000 |
| 45. | 22. | Rakesh Kumar | Bhim Chand | Diploma | B.Tech. (Mech. L.E.) | 9015 | 40000 |
| 46. | 23. | Satinder Khatri | Suresh Khatri | 10+2 | B.Tech. (Civil) | 7938 | 40000 |
| 47. | 24. | Shivanshu | Sant Ram | 10+2 | B.Tech. (Civil) | 7897 | 40000 |
| 48. | 25. | Manoj Kumar Sharma | Raj Kumar Sharma | 10+2 | B.Tech. (Civil) | 8081 | 20000 |
| 49. | 26. | Abhinay Verma | Ram Swroop | 10+2 | B.Tech. (Civil) | 8292 | 40000 |
| 50. | 27. | Navnitin Sharma | Navjeevan Lal | Diploma | B.Tech. (Civil L.E.) | 8096, 1015 | 40000 |
| 51. | 28. | Deep Kumar | Lachhman Dass | Diploma | B.Tech. (Civil L.E.) | 8225 | 40000 |
| 52. | 29. | Mohit Negi | Surender Kumar | Diploma | B.Tech. (Civil L.E.) | 8032, 8520 | 40000 |
| 53. | 30. | Manik Jain | Ashwani Jain | Diploma | B.Tech. (Civil L.E.) | 8316 | 35000 |
| 54. | 31. | Sandeep Sharma | Ram Bhagat Sharma | Diploma | B.Tech. (Civil L.E.) | 8577 | 40000 |
| 55. | 32. | Devender Kumar | Joginder Neeprem Singh | Diploma | B. Tech. (Civil L.E.) | 8613 | 35000 |
| 56. | 33. | Pankaj Kumar | Nathu Ram | Diploma | B. Tech. (Civil L.E.) | 8111, 8566 | 40000 |
| 57. | 34. | Ajay Kumar | Desh Raj | Diploma | B. Tech. (Civil L.E.) | 8678 | 40000 |
| 58. | 35. | Harish Kumar | Manoj Kumar | Diploma | B. Tech. (Civil L.E.) | 8677 | 40000 |
| 59. | 36. | Altmash Zari | Mohd. Younis Zari | Diploma | B.Tech. (Civil L.E.) | 8701 | 35000 |
| 60. | 37. | Amit Kumar | Suresh Kumar | Diploma | B.Tech. (Civil L.E.) | 8742, 8852 | 40000 |
| 61. | 38. | Shailja | Shyam Lal Vimal | 10 th | B.Tech. (Civil L.E.) | 8743 | 40000 |
| 62. | 39. | Mohit sandhu | Baldev Chand Sandhu | Diploma 6 th Sem | B.Tech. (Civil L.E.) | 8776 | 35000 |
| 63. | 40. | Urgian Palzang | Nawang Samtan | Diploma 2 nd Sem | B. Tech. (Civil L.E.) | 8768 | 35000 |
| 64. | 41. | Naveen Kumar | Sher Singh | 10 th , Diploma | B. Tech. (Civil L.E.) | 8785 | 40000 |
| 65. | 42. | Navtej Narta | Balbir Narta | Diploma | B.Tech. (Civil L.E.) | 8854 | 40000 |
| 66. | 43. | Aquib Ahmed Thakur | Shafaq Ahmed Thaker | Diploma | B.Tech. (Civil L.E.) | 8773 | 37000 |

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|-----|-----|------------------------|------------------------|-----------------------------|---------------------|-------------|--------|
| 67. | 44. | Sakshi Dhiman | Sanjay Kumar Dhiman | 10+2 | B. Tech. (ECE) | 6681 | 40000 |
| 68. | 45. | Madhu Kumari | Ram Pal | Diploma | B. Tech. (ECE L.E.) | 6622, 8394 | 40000 |
| 69. | 46. | Parveen Kumar Deswal | Rajbir Singh | Diploma | B. Tech. (ECE L.E.) | 7894, 8586 | 35000 |
| 70. | 47. | Vipin Kumar | Narender | Diploma | B. Tech. (ECE L.E.) | 7893, 8585 | 35000 |
| 71. | 48. | Santosh Pathania | Hem raj Pathania | Diploma | B. Tech. (ECE L.E.) | 8045 | 40000 |
| 72. | 49. | Sumeet Verma | Hans Raj Verma | Diploma | B. Tech. (ECE L.E.) | 8044 | 40000 |
| 73. | 50. | Priyankesh Thakur | Punjab Singh | Diploma | B. Tech. (ECE L.E.) | 8060 | 40000 |
| 74. | 51. | Pardeep Kumar | Balwant Singh | Diploma | B. Tech. (ECE L.E.) | 8061 | 40000 |
| 75. | 52. | Samriti Thakur | Inder Singh Thakur | Diploma | B. Tech. (ECE L.E.) | 8332 | 40000 |
| 76. | 53. | Abhay Thakur | Joginder Singh | Diploma | B.Tech. (ECE L.E.) | 8285 | 40000 |
| 77. | 54. | Vinod Kumar | Bidhi Chand | Diploma | B.Tech. (ECE L.E.) | 8601 | 40000 |
| 78. | 55. | Suryadeep | Shyam Singh | Diploma | B.Tech. (ECE L.E.) | 8780, 8896 | 40000 |
| 79. | 56. | Alok Kumar Yadav | Shailendra Kumar yadav | Diploma 6 th Sem | B.Tech. (ECE L.E.) | 6706 | 40000 |
| 80. | 57. | Vishal Sahotra | B.L. Sahotra | Diploma | B.Tech. (ECE L.E.) | 8897 | 35000 |
| 81. | 58. | Vijay Kumar Chauhan | Gian Chand Chauhan | Diploma | B.Tech. (ECE L.E.) | 8978 | 40000 |
| 82. | 59. | Asheesh Bhardwaj | Desh Raj Bhardwaj | Diploma | B.Tech. (ECE L.E.) | 9003, 1033 | 44100 |
| 83. | 60. | Sahil Bansal | Naresh Kumar | Diploma | B.Tech. (ECE L.E.) | 8147 | 40000 |
| 84. | 61. | Pankaj Kumar | Daulat ram | Diploma | B.Tech. (ECE) | | (LEFT) |
| 85. | 62. | Pardeepika Sharma | Nand Lal Sharma | 10+2 | B.Tech. (CSE) | 8118, 8361, | 40000 |
| 86. | 63. | Sandeep Singh | Dalip Singh | 10+2 | B.Tech. (CSE) | 8208, 8372 | 40000 |
| 87. | 64. | Rajesh Kumar | Om Prakash | Diploma | B.Tech. (CSE L.E.) | 8191, 8380 | 40000 |
| 88. | 65. | Pankaj Bharti | Rajesh Kumar | Diploma | B. Tech. (CSE L.E.) | 8267 | 10000 |
| 89. | 66. | Sarabjeet Singh | Swaran Singh | Diploma | B. Tech. (CSE L.E.) | | |
| 90. | 67. | Gaurav Kumar Chaudhary | Raj Kumar Chaudhary | Diploma | B. Tech. (EE L.E.) | 8198 | 40000 |
| 91. | 68. | Ravinder Kumar | Ram Chander | Diploma | B. Tech. (EE L.E.) | 8177, 1072 | 40000 |
| 92. | 69. | Gautam Vishal Sharma | Ramesh Sharma | Diploma | B. Tech. (EE L.E.) | 8197 | 40000 |
| 93. | 70. | Kush Vaidya | Leela Prakash | Diploma | B.Tech. (EE L.E.) | 8763 | 40000 |
| 94. | 71. | Manender Singh | R.K. Chandel | Diploma | B.Tech. (EE L.E.) | 8758 | 40000 |
| 95. | 72. | Dheeraj Kamboj | Krishan lal | Diploma | B.Tech. (EE L.E.) | 8789 | 40000 |

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|---|-----|-----------------------|------------------------|------------------|-------------------------|------------|----------------|
| 96. | 73. | Manish Kumar | Chander Dev | Diploma | B.Tech. (EE L.E.) | 8792 | 40000 |
| 97. | 74. | Lovish Kamboj | Kashmir Lal | Diploma | B.Tech. (EE L.E.) | 8793 | 40000 |
| 98. | 75. | Vansh Deep | Satnam Chand | Diploma | B.Tech. (EE L.E.) | 8846 | 40000 |
| 99. | 76. | Lal Chand | Om Prakash | Diploma | B.Tech. (EE L.E.) | 8882 | 21000 |
| 100. | 77. | Chotta Ram | Prem Lal | Diploma | B.Tech. (EE L.E.) | 8720, 8821 | 45000 |
| 101. | 78. | Sunil Kumar | Kameshwar | Diploma | B.Tech. (EE L.E.) | 3609, 3924 | 50000 |
| 102. | 79. | Tilak Raj | Roshan Lal | Diploma | B.Tech. (EE L.E.) | 3610, 8967 | 40000 |
| 103. | 80. | Sahid Hussain Khan | Mohd. Hussain | Diploma | B.Tech. (EE L.E.) | | |
| BPT | | | | | | | |
| 104. | 1. | Harvinder Singh | S. Rajinder Singh | 10+2 | BPT | 8072 | 5000 |
| BCA | | | | | | | |
| 105. | 1. | Hira Lal Verdhan | Tutu Ram Verdhan | 10+2 | BCA | 6859 | 35000 |
| 106. | 2. | Sandeep Bhatia | Praksh Chand Bhatia | 10+2 | BCA | 8010 | 35000 |
| 107. | 3. | Harneet kaur | Gurcharan Singh | 10+2 | BCA | 8605 | 35000 |
| BHMCT | | | | | | | |
| 108. | 1. | Karan Sharma | Kashmiri Lal | 10+2 | BHMCT | 7107, 9134 | 54000 |
| 109. | 2. | Kriti Tanwar | Kartar Singh Tanwar | 10+2 | BHMCT | 8203, 8501 | 38500 |
| BFSM | | | | | | | |
| 110. | 1. | Monu Kumar | Baljeet Singh | 10+2 | BFSM | 8506, 8710 | 25000 |
| DVLDA | | | | | | | |
| 111. | 1. | Mohit Bhatnagar | Brijender Kishor | 10 th | DVLDA | 7237 | 30000 |
| 112. | 2. | Pushan Tanwar | R.S. Tanwar | 10 th | Diploma (Civil) | 8038 | 20000 |
| 113. | 3. | Lakhwinder Singh | Yashwant Singh | Diploma ITI | Diploma (Mech. L.E.) | 8588 | 30000 |
| 114. | 4. | Manish Thakur | Chaman Lal Thakur | 10 th | Diploma (CSE) | 7104 | 25000 |
| 115. | 5. | Gurpartap Singh | Gurdeep Singh | 10 th | Diploma (CSE) | 8024 | 30000 |
| Total admission fees charged (₹) | | | | | | | 4192100 |

30. From the admission details given in the preceding para of this order it is crystal clear that the University has made gross violation of the admission norms by admitting 115 numbers of students, with re-appear/ compartment in the entry level qualification, in different courses during academic session 2011-12 in contravention of the provisions of the Act No 22 of 2009 and the Statutes and regulations framed thereunder vis-a-vis admission criteria/norms laid down by the regulatory bodies. This Commission, therefore, holds that the University has failed to follow the criteria laid down for admission of students in the University. Since total admission fees of ₹ 4192100/- (rupees forty one lakhs ninety two thousand one hundred only) was charged by the University from these students admitted

in contravention of the statutory provisions and admission norms laid down by the Regulatory bodies, a penalty of ₹ 8384200/- (rupees eighty three lakhs and eighty four thousand two hundred only) is leviable on the University which is the minimum penalty prescribed under clause (a) of sub-rule (1) of Rule 6 of the H.P. Private Educational Institutions (Regulatory Commission) Rules, 2011, whereunder the penalty amount equivalent to twice the amount of actual fees charged by the University on such students, is to be imposed and recovered from the defaulting University

Finding No. 3:- Shortfall in appointments and Faculty strength.

31. Observation of the Expert Inspection Committee:-

The University has appointed 100 number of Faculty for teaching 22 courses, presently being run, the details of which is available on the website of the University and is also enclosed in an Annexure –IV attached (to the report). The strength of the Faculty appointed for B. Tech and diploma courses is not as per norms of AICTE keeping in view the fact that Engineering courses entered in its third year, the University need to appoint more Faculty as per norms in all Engineering, Pharmacy, Management and Bio-technology courses. Besides, the University has engaged 14 eminent and qualified visiting Faculty having vast experience in their respective fields as per the details given in Annexure-V attached (to the report). Needless to say that the faculty engaged by the University also includes Ph. D holders. However the University has sufficient Faculty for teaching of Applied Sciences and Humanities courses.

32. Comments of the University:-

The University has appointed required number of Faculty members after June 2011. All efforts are being made to fulfil the norms of Faculty and hope that there will be no shortfall by the start of next academic session.

Views of the Commission:

33. The University itself admits that there has been shortfall in the Faculty strength. On analysing the data/information supplied by the University the Commission observes that there has been shortfall of Faculties/teachers in the University to teach various courses as per the norms specified by the regulatory bodies and the Department-wise Faculty shortages in the University, during the academic session 2011-12 (August 2011 to March 2012) are as under.

| S. No | Name of Department | Shortage of faculty (August 2011 to March 2012) | Month-wise shortfall | |
|-------|--|--|----------------------|-----------|
| | | | Month | Shortfall |
| 1 | Electronic Communication Engineering | 22 | August | 5 |
| | | | September | 5 |
| | | | October | 5 |
| | | | November | 5 |
| | | | December | 1 |
| | | | January | 1 |
| 2. | Computer Science Engineering | 23 | August | 5 |
| | | | September | 5 |
| | | | October | 5 |
| | | | November | 4 |
| | | | December | 4 |
| 3. | Civil Engineering | 34 | August | 7 |
| | | | September | 7 |
| | | | October | 7 |
| | | | November | 7 |
| | | | December | 3 |
| | | | January | 2 |
| | | | February | 1 |
| 4. | Electrical Engineering | 45 | August | 7 |
| | | | September | 7 |
| | | | October | 7 |
| | | | November | 7 |
| | | | December | 6 |
| | | | January | 4 |
| | | | February | 4 |
| | | | March | 3 |
| 5. | Mechanical Engineering | 26 | August | 6 |
| | | | September | 5 |
| | | | October | 5 |
| | | | November | 5 |
| | | | December | 3 |
| | | | January | 2 |
| 6. | Management Deptt (MBA, BBA, PGDBM) | 13 | August | 6 |
| | | | September | 5 |
| | | | October | 2 |
| 7. | Physiotherapy Deptt. (BPT) | 20 | August | 3 |
| | | | September | 3 |
| | | | October | 3 |
| | | | November | 3 |
| | | | December | 2 |
| | | | January | 2 |
| | | | February | 2 |
| | | | March | 2 |
| 8. | Computer Applications (MCA, BCA, PGDCA) | 31 | August | 7 |
| | | | September | 7 |
| | | | October | 4 |
| | | | November | 4 |
| | | | December | 4 |
| | | | January | 3 |
| | | | February | 1 |
| | | | March | 1 |

| S. No | Name of Department | Shortage of faculty (August 2011 to March 2012) | Month-wise shortfall | |
|--------------|------------------------------------|--|----------------------|-----------|
| | | | Month | Shortfall |
| 9. | Biotech Deptt. (M. Sc. /B. Sc.) | 19 | August | 4 |
| | | | September | 3 |
| | | | October | 3 |
| | | | November | 3 |
| | | | December | 3 |
| | | | January | 1 |
| | | | February | 1 |
| | | | March | 1 |
| 10. | Hotel management (BHMCT) | 48 | August | 6 |
| | | | September | 6 |
| | | | October | 6 |
| | | | November | 6 |
| | | | December | 6 |
| | | | January | 6 |
| | | | February | 6 |
| | | | March | 6 |
| 11. | Chemistry Deptt. (M. Sc.) | 8 | August | 2 |
| | | | September | 2 |
| | | | October | 2 |
| | | | November | 2 |
| Total | | 289 | | |

34. It is incumbent upon the University to ordinarily maintain student cadre ratio as per the regulatory norms of UGC and AICTE. As per the Regulatory norms in general courses the minimum faculty requirement with every department is one Professor, two Associate Professors and three Assistant Professors, whereas, in case of courses in other discipline such as Engineering & Technology, Management, Pharmacy, Hotel Management etc. the minimum faculty requirement with every department is one Professor, two Associate Professors and six Assistant Professors as per the established regulatory norms. Besides, the University had not appointed required number of teachers/Faculties as per Regulatory bodies norms in many of the department/disciplines at the beginning of the academic session 2011-12 to teach the students admitted in different courses. It is evident from the information above that in the period after the issuance of show cause notice the University has made part compliance. In certain courses Faculty requirements at undergraduate and post graduate level and/or qualification prescribed for teaching staff are still not as per the established regulatory norms. The Commission, therefore, holds that the Manav Bharti University has failed to comply with norms and guidelines of the Regulatory bodies in making appointments of faculty/teachers in the University and a penalty of ₹ 8320000/-, (rupees eighty three lakhs twenty thousand only) which is the minimum under clause (d) of sub-rule (1) of Rule 6 of the H.P. Private Educational Institutions (Regulatory Commission) Rules, 2011, is leviable on it.

Finding No. 4:- Inadequate infrastructural facilities.

35. Observations of the Expert Inspection Committee:-

Courses have been initiated without appropriate and adequate infrastructure (labs, workshops, equipment and machinery) as per AICTE norms.

Comments of the University:-

36. The University has recently purchased equipments costing more than ₹ 6500000/- (rupees sixty five lakhs only) to complete the shortcomings in various labs/workshops and has also completed all the basic amenities required for the practical training to the students. It is expected, there will be no shortage of equipments and infrastructure/chemicals/glassware etc. in the labs for smooth conduct of practical classes in the near future.

Views of the Commission:-

37. Admittedly the University had started courses without adequate infrastructure (labs, workshops, equipment and machinery) as per AICTE norms as pointed out by the Expert Inspection Committee, constituted by the Regulatory Commission. Whereas, taking into account the status of compliance of norms made by the University over the period the situation has comparatively improved, but it would require further strengthening to meet the established regulatory norms of UGC, AICTE etc. in case the University intend to pursue technical courses in the future. The Commission holds that the University has failed to comply with the infrastructural facilities norms fixed by the Regulatory bodies and a penalty of ₹ 1400000/-, (rupees fourteen lakhs only) for the period from the start of the academic session 2011-12 till the date part compliance was reported by the University to the Commission (i.e for the period August 2011 to February 2012), which is the minimum penalty under clause (f) of sub-rule (1) of Rule 6 of the H.P. Private Educational Institutions (Regulatory Commission) Rules, 2011 is leviable on it.

38. The Commission, with a view to protect the interests of students and parents, feels it duty bound to emphasise that the State Govt., while according its statutory approvals and sanctions, especially its prior approval for admission of students to existing courses and for starting new courses, as envisaged under Section 31(5) of Act No. 22 of 2009 and other corresponding provisions, should insist the Universities/Private Educational Institutions to make applications seeking approvals/sanctions, well in advance of the beginning of the academic session, providing sufficient time to the State Govt. itself and to the Inspection Committees, to be constituted by it, to adjudge whether institution would be in a position

to offer and maintain minimum standards of admission, teaching, examination, research, extension programs, in conformity with the Act and the regulations; whether the institution has adequate resources; whether the institution has provided or would provide within the time limit, the necessary Faculty, staff, equipments, accommodation, training facility, to ensure the proper functioning of the institution; whether the Faculty having requisite qualification and personnel in the field will be available to impart proper training to the students; and whether other factors prescribed by the Regulatory bodies have been complied with.

Summary of Commissions findings:-

39. The Commission, after going through the report of the Expert Inspection Committee and submissions made and documents produced on behalf of the Manav Bharti University and perusal of the relevant statutory provisions, is satisfied that the said University has failed to meet the standards laid down for admission to various courses, and has also failed to appoint requisite Faculty and to provide mandatory infrastructure and adequate laboratory, workshops, equipments and machinery and for such failure imposes on the University the penalty, which is the minimum penalty prescribed under sub-rule (1) of Rule 6 of the H.P. Private Educational Institutions (Regulatory Commission) Rules, 2011,-

(a) of ₹ 331000/- (rupees three lakhs thirty one thousand only) for making of admission of six students to unapproved B. Sc. (MLT) course during the academic year 2011-12 for which no fees were got approved from the State Govt. even for the academic session 2010-11;

(b) of ₹ 8384200/- (rupees eighty three lakhs eighty four thousand two hundred only) for admitting students, not fulfilling the basic entry level qualifications;

(c) of ₹ 8320000/- (rupees eighty three lakhs twenty thousand only) for shortfall of the Faculty during the academic session 2011-12 (August 2011 to March 2012); and

(d) of ₹ 1400000/- (rupees fourteen lakhs only) for failure to provide requisite infrastructure (labs, workshops, equipments and machinery) as per norms specified by the AICTE.

40. Since sub-section (1) of Section 11 of the Act No 15 of 2011 restricts the power of the Commission to impose penalty only up to one crore rupees in the case of first contravention, the Commission imposes the penalty of one crore only in lieu of the penalties given in sub-paras (a) to (d) above, which shall be recoverable from the Endowment Fund of the Manav Bharti University, Solan as per the provisions of the Section 11(2) of the H.P. Private Educational Institutions (Regulatory Commission) Act, 2010. The Commission also direct the University to discontinue all Courses not in conformity with the requirement of regulatory body norms in terms of prescribed Faculty requirement and/or qualification, inadequate infrastructure (labs, workshops, equipments and machinery etc.) from the academic session 2012-13.

The office of this Commission is also directed to send a copy of this Order to the State Govt. for appropriate action, as mentioned in paras 38 and 40 of this Order.

It is so ordered.

Sd/-

(Sarojini Ganju Thakur)
Chairperson