

Case No.:22 of 2019
Instituted on: 03.07.2019
Decided on: 20.06.2020

In the matter of:

Miss. Alka Kataria Email ID alkayaad@gmail.com

Versus

Maharishi Markandeshwar University, Kumarhatti, Solan (HP)173229

ORDERS

Letters No. EDN-A-Ka (5)-40/2018 dated 25.04.2019 and 01.05.2019 were received by the Commission from the Principal Secretary (Education) to the Govt. of Himachal Pradesh alongwith number of complaints from various complainants including Mis Alka Kataria regarding mental harassment by MMMC&H Solan. The Chairman HP-PERC deputed the Secretary HP-PERC to enquire into the matter on 30.05.2019. The Secretary HP-PERC submitted inquiry report on 28.06.2019 highlighting various shortcomings and findings. Upon receiving the report the Chairman HPPERC directed to institute a Case.

Issues:-

1. Whether complainant was a bonofide student of respondent University i.e. MMU Solan.
2. Whether complainant was made to pay for MBBS Course for five years instead of 4½ years.
3. Whether the complainant was lawfully detained for appearing in exams and as a result lost one crucial academic year.

Findings:

1. Respondent University is a University established under MMU Act 2010 promulgated by State Legislative Assembly. The respondent University is an Institution established to provide medical education as its Act Section 3 that includes awarding a MBBS Degree as instituted by the University under its Acts and statutes by running an MBBS course. Complainant applied and was admitted to MBBS Course under Management Quota in the Academic Session 2013-14 which was to be completed within 5 years. Admit Card and fee receipts and attendance record establishes that the complainant was admitted to MBBS course 2013-14 batch, a fact not denied by the respondent. Therefore complainant is a bonafide student of respondent University

2. Complainant being a bonafide student of respondent University was under obligation to pay her fee for her education to which the respondent was lawfully entitled and the same was agreed to by the plaintiff when filling application forms appended to prospectus cum application form as published by the respondent with approval of designated authority of Govt. of Himachal Pradesh. The Prospectus of respondent University for the Session 2013-14 clearly specifies the fee structure duly approved by the approving authority of Government of Himachal Pradesh. As the complainant was admitted as Management Quota seat for which respondent was entitled to receive Rs. 900000+5 % development charges for one year of study from a bonafide student excluding all type of University charges. Refundable security etc. Based on these prescribed guidelines the following table for the fee to which respondent was entitled and amount that complainant paid to respondent University for full MBBS course is drawn as under:-

Year	Particular of fee	Due Amount	Paid Amount	Remarks
2013-14	Tuition Fee	9,45,000	9,45,000	
	Other Charges	0		
	Security Charges	50,000	50,000	
	Development Charges	0		
	Library Charges	0		
	Examination Charges	18,300	18,300	
	Hostel /Mess Charges	96,000	96,000	
	Electricity Charges	0		
	Water Charges	0		
	Transportation Charges	0		
	Other Charges if any.	0		
	Total	10,59,300	10,59,300	Full fee received
2014-15	Tuition Fee	9,45,000	9,63,300	
	Other Charges	0		
	Security Charges	0		
	Development Charges	0		
	Library Charges	0		
	Examination Charges	18,300	0	
	Hostel /Mess Charges	96,000	96,000	
	Electricity Charges	0		
	Water Charges	0		
	Transportation	0		

	Charges			
	Other Charges if any.	0		
	Total	10,59,300	10,59,300	Full fee received
2015-16	Tuition Fee	945000	5,60,000	
	Other Charges	0	403300	
	Security Charges	0		
	Development Charges	0		
	Library Charges	0		
	Examination Charges	18300	0	
	Hostel /Mess Charges	96000	96000	
	Electricity Charges	0		
	Water Charges	0		
	Transportation Charges	0		
	Other Charges if any.	0		
	Total	10,59,300	10,59,300	Full fee received
2016-17	Tuition Fee	945000	4,50,000	
	Other Charges	0	3,63,000	
	Security Charges	0	1,50,300	
	Development Charges	0		
	Library Charges	0		
	Examination Charges	18,300	0	
	Hostel /Mess Charges	96,000	60,000	
	Electricity Charges	0		
	Water Charges	0		
	Transportation Charges	0		
	Other Charges if any.	0		
	Total	10,59,300	10,23,300	36,000 Pending
2017-18	Tuition Fee	9,45,000		
	Other Charges	0		
	Security Charges	0		
	Development Charges	0		
	Library Charges	0		
	Examination Charges	18,300		
	Hostel /Mess Charges	96,000		

	Electricity Charges	0		
	Water Charges	0		
	Transportation Charges	0		
	Other Charges if any.	0		
	Total	1059300	0	10,95,300 Pending
2018-19	Tuition Fee	9,45,000	4,63,300	
	Other Charges	0	5,36,000	
	Security Charges	0	4,00,000	
	Development Charges	0	5,63,300	
	Library Charges	0		
	Examination Charges	18,300	0	
	Hostel /Mess Charges	1,30,000	96000	
	Electricity Charges	8884		
	Water Charges	0		
	Transportation Charges	0		
	Other Charges if any.	0		
		Total	12,02,184	20,58,600

This was admitted by the complainant during the course of hearing and receipts produced to support the arguments. The instructions and guidelines issued in the Prospectus are to be adhered by both the parties i.e. complainant and respondent as it has a force of law (Randeep Kaur Vs the State of Punjab and others 1985, Punjab & Haryana High Court) proceedings of the meetings of the prospectus review committee (MBBS/BDS) held on 23.05.2018 and 25.05.2018 vide item No. 10 states that, "It was discussed that representation in this regard has been received from SCA Dr. RPGMC, Tanda and from the Principal Dr. RPGMC Tanda in December 2016/January 2017 in DME & R, H.P office. Since, the Fee structure was approved by the State Govt. for Govt. Medical Colleges, hence the matter was taken up with the Govt. for decision either fee be charged 5 year of 4½ years. The State Govt. vide letter dated 7.12.2017 has asked to DME and R, HP office how is the position in the adjoining State of Punjab Haryana & Uttrakhand. The DME & R,HP office has sought the information in this regard from the concerned authorities of neighboring States. However, from the perusal of the fee structure notified by the Govt. of Punjab for MBBS courses vide Notification No. 5/32017-5HB-III/2229 dated 2.6.2017, it has been found that the fee structure

for the MBBS course has been notified for 5 year (Annually). Similarly, from the perusal of the MBBS/BDS Prospectus of Pt. B.D. Sharma, University of health Sciences, Rohtak, it transpired that fee for MBBS course is being charged annually for the entire course. After detailed deliberations, it was decided that no change/amendment is required in the existing fee structure duly approved by the Govt. As such no action is required to be taken on this issue.” Therefore the claim by the complainant that respondent charged for five years instead of 4½ years MBBS Course is false as the respondent adhered to the guidelines issued by competent authority.

3. Complainant was admitted to MBBS Course 2013-14 Session and on 09.12.2014 met with an accident as per attendance and medical record produced, was hospitalized for medical treatment and was unable to attend classes from Dec 2014 to May 2015 the same being authenticated by attendance record produced before me. As a result complainant fell short of required percentage of attendance as per MCI rules and was detained from appearing in Examination conducted by respondent for 1st prof. Further complainant was again operated and hospitalized and could not attend classes fell short of attendance and was detained from appearing in exams as per MCI rules, as a result complainant could not complete her course in the prescribed tenure of MBBS course. Prospectus session 2013-14 of respondent University point No. 5 says that the candidate must pass 1st Professional to Final Professional in prescribed tenure of course failing which extra fee at per prescribed rate for different categories shall be charged for every six months. Complainant had to make for her loss of two terms, each six month duration by attending classes with the students of new batch after the completion of course thus making one complete year i.e 2018-19. For this additional year complainant had to study as a full time student as per the MCI rules to maintain the standard of education. As per the directives of fee deciding committee mentioned in the prospectus cum application form published with approval by the competent authority the respondent was entitled to receive Rs. 10,93,300/- from the complainant which was paid by the complainant and admitted by the respondent. So the claim that complainant was charged for sixth year does not hold as attendance shortage cannot be condoned even on medical grounds and to compensate for the academic loss resulted there from has to be made up by attending as a regular student which in fact is a good practice being followed by MCI. In view of the statements made by the complainant along with record of payment and receipts and various agreements in the form of applications submitted to respondent University from time to time it is established that the fee for the sixth year arising due to non completion of course was charged as per the rules and regulations made by competent authority.

4. MCI Rules: As per section 3.1(d) requires that a MBBS student is having attended not less than 75% of the full course of lectures delivered including non lectures teaching i.e. Seminars, Group discussion, Tutorials, demonstrations and Practical held separately in Anatomy, Physiology and biochemistry and any other subject prescribed in the syllabus s approved by the Academic Council. And for examination

3.2 (a) of having good character,

(b) of having enrolled in 2nd Professional MBBS Course of the college for the period provided in clause 1(e.e. 18 months)

(c) of having attended the prescribed course;

(d) Of having attended not less than 75% of the full course of lectures delivered including non lectures teaching i.e. Seminars, Group discussion, Tutorials, demonstrations and Practical held separately in Anatomy, Physiology and biochemistry and any other subject prescribed in the syllabus s approved by the Academic Council

(e) of having obtained at least 35% marks in internal assessment.

3.3 (a) of having good character,

(b) of having enrolled in the college for period provided in claus I and must have passed 2nd Porf. MBBS Exam.

(c) of having attended the prescribed course;

(d) Of having attended not less than 75% of the full course of lectures delivered including non lectures teaching i.e. Seminars, Group discussion, Tutorials, demonstrations and Practical, Hospital Clinical posting and bed side clinics etc. held in each of the subjects of examination.

Members of HPPERC must set high standards of ethics which justice demands to which a contradiction was observed during the course of hearing when respondent University has submitted in writing that they do not have faith in presiding officer Dr. K. K. Katoch and instead of recuing and transferring the case to another bench, threatening letter have been issued on behalf of the Commission to respondent University which is against the sprit of justice and mandate of Commission itself. From the perusal of the record it appears that complainant needs psychological counseling which should be provided by the respondent University being a medical institution.

Conclusion:-

Records produced and admissions made before me conclusively leads to the confirmed view that complainant was charged as per the rules and nothing more by the

respondent University to which it was entitled lawfully. As per records complainant has still to pay Rs. 1,38,884/- to the respondent that be paid within a time period to be agreed between both the parties. Complaint disposed off.

Order be uploaded on the website of the Commission.

Copy of order be supplied to both the parties.

Announced

**Sd/-
(Dr. S.P. Katyal)
Member**

Date: 20th June, 2020.

