



ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ
ADMISSION OVERSEEING COMMITTEE

REPORT OF THE ADMISSION OVERSEEING COMMITTEE UNDER SECTION 5
OF SUB-SECTION (8) OF KARNATAKA PROFESSIONAL EDUCATIONAL
EDUCATIONAL INSTITUTION (REGULATION OF ADMISSION AND
DETERMINATION OF FEE) ACT,

Re: Complaint against Bangalore Institute of Technology, Bangalore.

DATED THIS THE 7TH DAY OF AUGUST 2017

This report is submitted for further immediate action in the
following background:

One Ms.Nithya. S. Daughter of D/o Shekar S., residing at No. 685, 5th Main Road, Srinagar, Bangalore – 50, was said to have been admitted to the 1st year B.E. (Computer Science) in Bangalore Institute of Technology, Krishna Rajendra Rao, V.V.Puram, Bangalore - 560004 through the Karnataka Examination Authority (herein after referred to as KEA, for brevity) and had paid Rs.45,000/- as admission fee through the KEA. And a further sum of Rs.23,850/- to the college as on 24.07.2015. The student, however was allotted a seat for MBBS course at a subsequent casual vacancy counseling held by the KEA. On such allotment of the Medical seat, the seat allotted for the Engineering Course automatically stood cancelled . The last date for admissions to Engineering Colleges during that year was 15th August 2015. The student is said to have been allotted a Medical seat at 29.09.2015. Since she had to obtain the original documents from the above said Engineering college, when she approached the college, there was a demand for a sum of Rs.68,850/- in order to return the originals. It was under such duress and extreme pressure, of the risk of losing the Medical seat that this illegal demand of Rs.68,850/- was promptly paid and the original documents received.

It is, thereafter, that the parent of the student had approached this Committee which in turn had addressed the institution by notice dated 02.11.2015 to which there was no reply. A reminder has been issued by the Committee on 09.11.2015 to which again there was no response.

Therefore, an order was passed by this Committee on 13.07.2017 directing the college to refund a sum of Rs.68,850/- which has been illegally collected for the entire course of study with interest thereon at 18% per

2ನೇ ಮಹಡಿ, ಕರ್ನಾಟಕ ಪರೀಕ್ಷಾ ಪ್ರಾಧಿಕಾರ ಕಟ್ಟಡ, 18ನೇ ಅಡ್ಡರಸ್ತೆ, ಸಂಪಿಗೆ ರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು- 560012

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annum from the date of receipt till refund to which again there was no response from the institution.

Before filing this report, yet another letter was issued by this Committee dated 28.07.2017 that the institution is being offered one more opportunity to absolve itself of the irregularity by making a refund. To which, a reply is received on 3rd August 2017 without offering any justification for having collected the amount aforesaid, but claiming that there are decisions of courts which enable the institution to collect the amount.

In this regard, it is to be noticed that the Hon'ble Supreme Court in the case of Islamic Academy of Education and Another Vs. State of Karnataka And Others reported in (2003) 6 SCC 697, had incidentally addressed an aspect raised by certain institutions, that when a student who is admitted to a Professional Course who abandons the course in mid stream the possibility of such a seat which is vacated not being filled up for the rest of the course and thereby causing loss to the institution, could be prevented if an Undertaking or a Bank Guarantee is obtained from the student to the effect that the entire course fee would be paid in such an eventuality. The very words used by the Supreme Court, in this regard, are produced herein:

"8. It must be mentioned that during arguments it was pointed out to us that some educational institutions are collecting, in advance, the fees for the entire course i.e. for all the years. It was submitted that this was done because the institute was not sure whether the student would leave the institute midstream. It was submitted that if the student left the course in midstream then for the remaining years the seat would lie vacant and the institute would suffer. In our view an educational institution can only charge prescribed fees for one semester/ year. If an institution feels that any particular student may leave in midstream then, at the highest, it may require that student to give a bond/ bank guarantee that the balance fees for the whole course would be received by the institute even if the student left in midstream. If any educational institution has collected fees in advance, only the fees of that semester/ year can be used by the institution. The balance fees must be kept invested in fixed deposits in a nationalized bank. As and when fees fall due for a semester/ year only the fees falling due for that semester/ year can be withdrawn by the institution. The rest must continue to remain deposited till such time that they fall due. At the end of the

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course the interest earned on these deposits must be paid to the student from whom the fees were collected in advance."

This it will be noticed was intended by the Apex Court to address a lacuna till the framing of appropriate law in that regard by the legislature and it is this dictum which has been relied upon and reiterated by the Hon'ble High Court of Karnataka in addressing disputes as to whether the entire course fees could be demanded and collected from a student abandoning the course. However, it is to be kept in view that the University Grants Commission functioning under the University Grants Commission Act, 1956 has thereafter framed Regulations namely, the University Grants Commission (Grievance Redressal) Regulations 2012 (herein after referred to as the "2012 Regulations" for brevity). Under these Regulations one of the grievances that is contemplated reads as under:

" 2. Definition:- In these regulations, unless the context otherwise requires

x x x x x

(f) : grievances" include the following complaints of the aggrieved students, namely:-

x x x x x

(vi) withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a person for the purpose of seeking admission in such institution, with a view to induce or compel such person to pay any fee or fees in respect of any course or program of study which such person does not intend to pursue."

Therefore, the action of the above institution in having demanded the entire course fee was clearly in violation of the said Regulations. These Regulations it may be noted are of the year 2012, nine years after the Judgment of the Hon'ble Supreme Court. Further the All India Council for Technical education which is also a body which regulates the functioning of Engineering colleges has laid down guidelines as regards the refund policy. A copy of the same is annexed to this report and the institution having acted in violation of the said refund policy would entail punitive action.

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It is seen that the University Grants Commission has issued a further Notification in the wake of complaints such as the present one dated 6th December 2016 with reference to the 2012 Regulations as regards the remittance and refund of fees and other student centric issues.

The said Notification also specifically prohibits the taking of certificates and testimonials into the custody of the college and being misused to blackmail students who wish to withdraw admission from the institution for better prospects as specified at paragraph 4.1.5.

As regards the remittance of fee, there is a prohibition against collection of advance fees for the entire course as follows:

4.2.2 HEIs shall charge fees in advance only for the semester/ year in which a student is to engage in academic activities. Collecting advance fees for entire program of study or for more than one semester/ year in which a student one semester/ year in which a student is enrolled is strictly prohibited as it restricts the student from exercising other options of enrolment elsewhere. This enabling provisions is in line with the UGC guidelines on Choice-Based Credit System(CBCS) and Model Curricula which are geared towards promoting a student's inter- institutional mobility."

" 4.2.3 If a student chooses to withdraw from the program of study in which he/she is enrolled, the institution concerned shall follow the following four-tier system for the refund of fees remitted by the student.

The manner in which refund shall be made is as follows:

Sr.No.	Percentage of Refund of Aggregate fees*	Point of time when notice of withdrawal of admission is served to HEI
(1)	100%	15 days before the formally-notified last date of admission
(2)	80%	Not more than 15 days after the formally-notified last date of admission
(3)	50%	More than 15 days but less than 30 days after formally- notified last date of admission
(4)	00%	More than 30 days after formally-notified last date of admission

*(Inclusive of course fees and non-tuition fees but exclusive of caution money and security deposit)

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4.2.4 In case of (1) in the table above, the HEI concerned shall deduct an amount not more than 10% of the aggregate fees as processing charges from the refundable amount.

4.2.5 Fees shall be refunded by all HEIs to an eligible student within fifteen days from the date of receiving a written application from him/her in this regard."

Therefore, applying the above four-tier system for refund in the present case on hand since the surrender of seat was more than 30 days after the formally-notified last date of admission there would be no refund of the initial fees paid.

Hence, there is no longer any possibility of any college collecting the entire course fees in advance in the light of University Grants commission having made Regulations which now governs the field. Therefore, the demand and collection at the stage of admission of the additional amount is nothing short of extortion and blackmail by withholding the testimonials of the student. Therefore, stringent action should be taken against the institution and is to be imposed an appropriate fine, at least at twice the amount of the illegal fee collected and to reimburse the parent of the said sum of Rs.68,850/- with interest at 18% from date of collection by the college till the date of refund, from out of such fine that is collected from the institution. This is the least punishment that the institution should be visited with.

The State Government is therefore requested to expedite the enforcement of this report through the Vishveswaraiah Technological University at the earliest. And that the same should be given due prominence as a warning to all the institutions who are indulging in such practices.



(JUSTICE ANAND BYRAREDDY)
Chairperson, AOC

Encl:

- 1) Notification of U.G.C. on Remittance and Refund of Fees and other Student Centric Issues.
- 2) Refund Policy as per AICTE Guidelines.

13.07.2017



Admission Overseeing Committee
ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

Between:

Ms. Nithya D/o Shekar S. Applicant

And:

Bangalore Institute of Technology
No.5/3, Hosur Main road
Bangalore
Represented by Principal.

..... Respondent

ORDER

Further to the complaint of one Ms. Nithya S., D/o Shekar S., residing at No. 685, 5th Main Road, Srinagar, Bangalore – 50, to the effect that she was admitted to the 1st year B.E. (Computer Science) in Bangalore Institute of Technology, Bangalore through allotment by the Karnataka Examination Authority (herein after referred to as KEA, for brevity). Subsequently in the casual vacancy counseling held by the KEA she was allotted a seat for MBBS course. As a result of which the earlier allotment in your college stood automatically cancelled. It is complained that at the time of admission to the B.E. course she has paid a sum of Rs.23,850/-. Then upon allotment of seat to medical course when she approached the college authorities for return of the original documents there was a demand for a sum of Rs.68,850/- and in the light of the fact that the last date for admission to the medical course was slated on 30.09.2015, she was compelled to pay the said amount under protest and it is only thereafter that the original documents were handed over to her. Therefore, a total sum of Rs. 92,700/- was paid by her. It is, in this background that she has approached the Admission Overseeing Committee for appropriate directions to the college to refund the amount illegally collected from her. The Committee by its show cause notice dated 02.11.2015 had called upon the college to offer its explanation in the above circumstance. No reply was received. A reminder notice was issued on 09.11.2015 and there was no response from your side. Therefore, this Committee is left with no alternative to pass the following Order.

The University Grants Commission, New Delhi as by its Notification of December, 2016 has issued guidelines as to Remittance and Refund of Fees and Other Student- centric Issues by which your institution would be bound. As per paragraph 4.2.2 of the said Notification no institution shall charge fees except for the semester/ year in which a student is to engage in academic


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activities. Collecting advance fees for the entire program of study or for more than one semester/ year in which a student is enrolled is strictly prohibited. According to paragraph 4.2.3 if a student chooses to withdraw from the program of study in which he/she is enrolled, the institution shall follow the following four-tier system for the refund of fees remitted by the student. Which is as follows:

Sr.No.	Percentage of Refund of Aggregate fees*	Point of time when notice of withdrawal of admission is served to HEI
(1)	100%	15 days before the formally-notified last date of admission
(2)	80%	Not more than 15 days after the formally-notified last date of admission
(3)	50%	More than 15 days but less than 30 days after formally-notified last date of admission
(4)	00%	More than 30 days after formally-notified last date of admission

Therefore, in the instant case you are certainly bound to refund a sum of Rs.68,850/- which has been collected being the fees for the entire course of study and in so far as the sum of Rs.23850/- which was collected towards 1st year of study shall be refunded according to the percentage prescribed above. The entire amount so collected would be refunded to the student, with interest thereon at the rate of 18% from the date of payment till refund under intimation to this Authority within 7 days from the date of this order. Failing which appropriate action shall follow under the provisions of Karnataka Professional Educational Institution Regulation of Admission and Determination of Fee Act, 2006.

13.07.2017


(JUSTICE ANANDA BYRAREDDY)
Chairperson, AOC