



Admission Overseeing Committee

ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

REPORT OF THE ADMISSION OVERSEEING COMMITTEE

11TH DAY OF SEPTEMBER 2017

JUSTICE ANAND BYRAREDDY

CHAIRMAN

IN CONSULTATION WITH THE

ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF MEDICAL EDUCATION,
GOVERNMENT OF KARNATAKA

--

MEMBER

THE VICE CHANCELLOR,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES

--

MEMBER

REPORT UNDER SECTION 5 (8) OF THE KARNATAKA EDUCATIONAL
INSTITUTIONS (REGULATION OF ADMISSION AND
DETERMINATION OF FEE) ACT, 2006.

IN THE MATTER OF COMPLAINT BY KAMAL SEHGAL AGAINST THE
KEMPEGOWDA INSTITUTE OF MEDICAL SCIENCES, BANGALORE.

BETWEEN:

KAMAL SEHGAL

2190, SECTOR 16

FARIDABAD - 121002

....

COMPLAINANT

AND

KEMPEGOWDA INSTITUTE OF MEDICAL SCIENCES

K.R.ROAD, V.V.PURAM

BANGALORE - 56 00 04

REPRESENTED BY ITS PRINCIPAL

RESPONDENT

REPORT

Brief facts of the case:



Admission Overseeing Committee ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

-2-

One Saagar Sehgal, son of Kamal Sehgal hailing from Faridabad was said to have been selected for admission to the MBBS course through NEET/COMED-K on 08.09.2016 in the Kempegowda Institute of Medical Sciences, Bangalore (Herein after referred to as KIMS, for brevity), and a Tuition Fee of Rs.5.75 lakh was said to have been paid ,vide demand draft drawn on Punjab National Bank bearing No. UNM 344620 Dated 06.09.2016 and along with original certificates was said to have been submitted. Thereafter, on 17th September 2016 a sum of Rs.33,050/- towards annual fees etc., was also paid at the college.

It transpires the student was also shortlisted for selection in a college at Nanded, Maharashtra as on 26th September 2016. Since it was felt that the said college was a better college than KIMS, they are said to have approached the Principal, KIMS college, seeking cancellation of the MBBS seat and for refund of the fee paid, apart from return of the original certificates. But, however, it is said that the college had refused to refund the amount or return the original certificates and therefore, the student was unable to secure the seat in the college in Maharashtra.

3



Admission Overseeing Committee ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

-3-

It then transpires that the student was again shortlisted for admission in a Medical college in Haryana, the home state of the student, and as it was said to be a choice college, provisional fee is said to have been paid at that college.

Again, when the Principal, KIMS was approached for return of the original documents, the student and his father were directed to meet the Committee of Management of the Institution and they were said to have been made to go from pillar to post for three days. Finally, the President of the Committee is said to have demanded a sum of Rs. 10 lakh for return of the original documents. In sheer desperation, the amount is said to have been paid through Punjab National Bank on 1st October 2016. It is only on such payment that the certificates were said to have been returned. Later, when the parent of the student made a demand for refund of the amounts, which was illegally withheld and collected, there was said to be no response. Hence, the complaint.

In the above background, this office having issued a show cause notice dated 03.08.2017 calling upon the Institution to show cause as to why action ought not to be initiated in respect of a clear violation of the provisions of the University Grants Commission (Grievance Redressal)

B



Admission Overseeing Committee

ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

-4-

Regulations, 2012, and an unfair practice in respect of which action could be initiated by this Authority under the provisions of Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006. Apart from warranting civil and criminal proceedings under the provisions of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984, the institution has not chosen to respond. Therefore, there is deemed to be an admission of the allegations.

It is further seen that the Medical Council of India vide a Circular No. MCI-34 MC 2016/137114 dated 10.10.2016 had extended the last date for completion of admission for First year MBBS for the academic year 2016-17 up to 17th October 2016. The student had approached the college seeking to surrender the seat on 27th September 2016.

As per the provisions of University Grants Commission (Grievance Redressal) Regulations, 2012, and a Notification issued by the University Grants Commission in December, 2016, would indicate that if a student chooses to withdraw from the programme of study in which he is enrolled, the institution concerned shall refund 100% of the aggregate fee if such surrender is 15 days before the formally notified last date of admission. Since the surrender in the instant case was

3



Admission Overseeing Committee ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

5

sought to be made well before the said period, the student was entitled to 100% refund of the aggregate fee. Except that not more than 10% of the aggregate fee could be deducted by the institution as processing charges from the refundable amount, if such surrender was 15 days before the formally notified last date of admission.

In the present case, the student was therefore entitled to such refund. Apart from this, the college having proceeded to demand and collect of a sum of Rs.10 lakh, over and above the entire fee that was withheld, has compounded the violation committed by the Institution.

In view of the institution having failed to comply with the Order issued by this Committee, whereby the institution was directed to refund a sum of Rs.16,08,050/- with interest at 18% per annum to the student and his father, it is necessary to impose an appropriate fine on the institution. Hence, this report is submitted to recommend to the State Government to direct the Rajiv Gandhi University of Health Sciences, Bangalore, to impose a fine of twice the amount that has been collected, which is an unfair practice in the course of admission of the student and his desire to surrender the seat, in terms of the Karnataka Professional Educational Institutions (Regulation of Admission and

8



Admission Overseeing Committee

ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

6

Determination of Fee) Act, 2006. This is also in violation of the University Grants Commission (Grievance Redressal) Regulations 2012 and also an offence under the provisions of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984.

Out of the fine amount so collected, a sum of Rs.16,08,050/- with interest at 18% per annum from the date the amounts were paid to the college till it is collected, shall be refunded to the complainant. An appropriate direction may be issued by the State Government, to the University at the earliest.

(JUSTICE ANAND BYRAREDDY)
Chairperson, AOC

Enclosures:

- 1) Original Complaint
- 2) Documents in support of complaint
 - a) Letter dated 29.10.2016 submitted by the complainant to the President/Chairman, KIMS., Bangalore surrendering the seat.
 - b) Application submitted to the President/Principal, KIMS requesting for refund of fees duly enclosing the receipts.
 - c) Letter dated 16.02.2016 submitted to the Joint Secretary, UGC for suitable instructions.
 - d) Letter dated 27.04.2016 written to the Registrar, RGUHS for intervention in refunding the fees from KIMS.
 - e) RGUHS Circular No. RGUHS/SW/DSW/GRC/33/2016-17 Dated 12.11.2016 regarding retention of documents and refund of fees.



Admission Overseeing Committee

ಪ್ರವೇಶ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿ

-7-

- f) MCI letter dated 10.10.2016
- g) UGC letter dated 05.05.2016 regarding refund of fees
- h) UGC letter June 2011 regarding retention of documents and refund of fees.
- 3) Show cause notice
- 4) Order dated 08.09.2017

(JUSTICE ANAND BYRAREDDY)
Chairperson, AOC