

**BEFORE THE OMBUDSMAN, GRIEVANCE REDRESSAL,
T.A. PAI MANAGEMENT INSTITUTE, MANIPAL.**

Appeal No. 001/2013.

Between

Sri Shankar B. Shethe.

PGP 2013-15

Indian Institute of Management Kashipur

Bazpur Road, Near Essar Petrol Pump

Kashipur – 244713, Uttarkhand

<<<< Appellant

And

The Director

T.A Pai Management Institute,

Post Box No 9

Manipal – 576104, Karnataka

<<<<< Institute.

REPORT AND FINDINGS OF THE OMBUDSMAN.

The Appellant, Mr. Shankar B. Shethe, has filed an Appeal dtd: 20/11/2013 before the Ombudsman, as against the Order dtd: 10/07/2013 passed by the Grievance Redressal Committee.

The Appeal filed by the Appellant was received and Notice dtd: 9/12/2013 was issued to both Parties, i.e. to the Appellant and to the Institute, fixing the date, place and time of hearing on 24/12/2013. The said Notice is served on both the Parties.

After receiving the above Notice, Appellant forwarded Email dtd: 17/12/2013 to the Appellate Authority, expressing his inability to appear on 24/12/2013 and requesting to postpone the proceedings somewhere from 30th December 2013 to 1st January 2014. The Representative of the Institute has appeared on 24/12/2013 and submitted the written statement and connected records, before the Appellate Authority.

As per the request of appellant, the next date of the proceedings was fixed on 1/1/2014 and a separate Notice dtd: 26/12/2013 was issued to him. Along with the Notice, copy of the proceedings dtd: 24/12/2013 and the written statement filed by the Institute are forwarded to the Appellant.



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The Appellant has duly received the Notice dtd: 26/12/2013. But, he failed to participate at the proceedings of enquiry held on 1/1/2014. Therefore, the proceeding is held ex parte.

The Appellant in his Appeal has contended as under:-

Mr. Shankar B. Shethe/ Appellant had applied for two year post graduate diploma in Management (PGDM) programme (2013-15) in the Institution and he was selected and admitted to the said course. The total academic fee including tuition fee, hostel fee, development fee and other fees for the said course is Rs. 11.9 lakhs. The Appellant accepted the admission offer and paid Rs. 4,55,000/- towards part payment of the fees. He was given the facility of paying the fee in installments. Hence he had made part payment of the fee. The said course commenced in the month of June 2013 and the Appellant had joined the course and attended the classes for few days. On 22/6/2013, he applied for withdrawal from the course for the reason that he had got admission from higher graded Management Institute at Gurgaon.

His grievances are as under:

1. That the Institution has refunded only caution deposit, hostel caution deposit and part of the mess advance as final settlement of his account.
2. He further contends that the Institute has not officially disclosed the number of seats offered for admissions each year and no such disclosure had been made of the scheduled intake for the PGDM 2013-15, programme during the admission process. He has further stated that the scheduled intake for the said year was only 360 and the Institute had enrolled more than 400 students for the course. He has stated that the sanctioned intake for TAPMI is 480 seats and the target intake each year is much lower. The actual intake in the previous year is much lower than sanctioned strength and the intake was only 302 seats during the year 2012. In the year 2011 the actual intake was only 215 seats. Hence according to him, there is no question of any seat going vacant due to his withdrawal.
3. His another contention is that he was not made aware about the last date of admission at any point of the admission process.
4. He has alleged that fees collected under various heads such as establishment, library fee etc. has not been refunded to him by the Institute.
5. In his Appeal, he has alleged that the 1st installment fee of Rs. 4,55,000/- paid by him is significantly higher than the later installments.



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6. He has disputed about the payment of Rs.50,000/- towards advance fee and seeks clarification regarding the category under which the said amount was collected.
7. He has alleged that there is no transparency in the admission process and seeks clarifications with regard to each of his query/ grievance.

The Representatives of the Institute have appeared before the Ombudsman and submitted written remarks and also produced connected documents. The case of the Institute is as under:-

1. The Appellant had applied for two year post graduate diploma in Management (PGDM) programme (2013-15) in the Institution and he was selected and admitted to the said course. The total academic fee including tuition fee, hostel fee, development fee and other fees for the said course is Rs. 11.9 lakhs. The Appellant accepted the admission offer and paid Rs. 4,55,000/- towards part payment of the fees. The Institute had given him the facility of paying the fee in installments. Hence he had made part payment of the fee. The said course commenced on June 15, 2013 and the Appellant joined the course and attended the classes for few days. That on 22/6/2013, he applied for withdrawal from the course for the reason that he had got admission from higher graded Management Institute at Gurgaon. The amount of fee paid by him towards first installment fee (Rs.4,55,000/-), is inclusive of Academic fee, Refundable Caution Deposit, Hostel fee (advance) and Mess charges (advance).
2. The Institute is required to follow the AICTE guidelines with regard to the refund of the fee to the students. Accordingly, they have framed fee refund policy in conformity with the AICTE guidelines. This fact was within the knowledge of the Appellant at the time of joining the Institute. He was also aware that the entire fees paid by him will not be refunded to him if he withdraws from the course after the commencement of the academic session.
3. The Appellant has withdrawn from the course after the commencement of the academic session. Despite knowing the prevailing refund policy, with ulterior motive, he has requested for refund of the entire fee paid to the Institute. It is submitted that he has withdrawn from the course, after the commencement of the academic session. Therefore, the seat allotted to him could not be filled and this has caused financial hardships to the Institute.
4. The Institute has stated that they have refunded amount of Rs. 53,935/- through cheque and the said amount has been refunded in accordance with the AICTE guidelines. The amount refunded to him is inclusive of caution deposit, hostel caution deposit and mess advance after deduction of hostel dues. The Institute has further stated that he is not entitled to receive any further amount.
5. With regard to the contention of the Appellant that intake of students by the Institute is much less than the sanctioned intake, it is answered by the Institute by stating that, the final intake is their prerogative and is decided



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based on criteria of infrastructure and maintaining high academic standards. The Appellant cannot demand refund of the entire amount of fee paid by him on this ground.

6. The Institute has stated that as per the AICTE refund policy, they are not liable to refund the fees as demanded by him and his demands are not valid.

In support of their statement, the Institute has produced the following documents before the Ombudsman.

Documents relating to Refund to the Appellant:

- i) Copy of the refund letter dated July 16, 2013, and bank statement dated August 6, 2013
- ii) Copy of the Cheque (No. 642084) sent with refund amount of Rs 53,935 (Fifty three thousand nine hundred and thirty five only), which was encashed on July 30, 2013.
- iii) AICTE guideline No. AICTE/Legal/04(01)/2007, April 2007 regarding the rules for refund of fees.

The Institute's Representative stated as under:-

The Representative of the Institute produced documents to prove the fact that in case of the Appellant, when he claimed the refund of the fee, the course had already commenced. The said documents are as under:-

- i) PGP Handbook wherein Page No. 16 states the date of commencement of the Term as 15th June 2013.
- ii) Attendance sheets for Term 1 to verify the number of students enrolled for PGDM (2013-15 Batch).
- iii) Records from Accounts Department including fee receipt and record for the last registration for admission to PGDM (2013-15 Batch).

He has further stated that no fresh admissions were made after the Appellant's withdrawal from the course on 22nd June 2013.

During proceedings documents regarding refund policy of hostel fee were also produced, the said documents are as under:

- i) AICTE notice (Advt. No. AICTE/DPG/06(02)/2009) stating that refund of hostel fee is applicable with proportionate deductions only in case the seat left vacant by the withdrawing candidate is filled.

The Representative of the Institute has produced document relating to record of sanctioned intake for PGDM (2013-15) the said document is as under:

- i) The letter of extension of approval dtd. 19th March 2013 from AICTE (F. No. South-West/1-1394702793/2013/EOA) stating that the sanctioned number of seats for PGDM (2013-15 Batch) is 420.



A handwritten signature in black ink, appearing to read "Srinivas" with a flourish underneath.

The Institute's Representative stated that the above letter of approval of 420 seats was available on the Institute's website for the PGDM (2013-15 Batch) and the same was accessible to everyone. The Representative added that the Institute has not admitted more than the approved number of students.

The Appellant has failed to appear before the Ombudsman despite giving sufficient opportunity to participate at the proceedings. Therefore, the proceeding is held ex parte.

After going through the Appeal, written statement of the Institute and the documents produced by them, I give my findings as under:-

FINDINGS OF THE OMBUDSMAN.

It is an undisputed fact that the Appellant had applied for two year post graduate diploma in Management (PGDM) programme (2013-15) and he was selected and admitted to the said course. The total academic fee including tuition fee, hostel fee, development fee and other fees for the said course is Rs. 11.9 lakhs. There was no dispute about the fee by the Appellant and he had accepted the admission offer and paid Rs. 4,55,000/- towards part payment of the fees. It could be observed that though the Appellant is required to pay total fee of Rs.11.9 lakhs, the Institute had given him the facility of paying the fee in installments. Hence he had made part payment of the fee. It is further noticed from the documents that the said course commenced on June 15, 2013, and the Appellant joined the course and attended the classes for few days. The Appellant concurs that on 22/6/2013, he applied for withdrawal from the course for the reason that he had got admission from higher graded Management Institute at Gurgaon. At the time of withdrawal, he had made part payment and paid the fee amount of Rs. 4,55,000/- only. The said fee amount is inclusive of Academic fee, Refundable Caution Deposit, Hostel fee and mess charges (advance).

From the records produced by the Institute, it is clear that the Institute is required to follow the AICTE guidelines with regard to the refund of the fee to the students. The Institute has framed fee refund policy in conformity with the AICTE guidelines. The same is produced before me. In accordance with the said Policy, the Appellant cannot claim the refund of the entire fees paid by him if he withdraws from the course after the commencement of the academic session.

It is an admitted fact that the Appellant has withdrawn from the course after the commencement of the academic session. At that point of time, he was knowing the prevailing refund policy. Further, the documents produced by the Institute establish the fact that the seat allotted to him could not be filled. The Institute has submitted that due to sudden withdrawal from the course by the Appellant, it has suffered financial loss.

From the records produced by the Institute, it is noticed that as per the AICTE guidelines/ refund policy, they have refunded the amount due to the Appellant. The said amount is inclusive of caution deposit, hostel caution deposit, and mess advance after deducting the hostel dues.

The Appellant is trying to justify his withdrawal by stating that the intake of students by the Institute is much less than the sanctioned intake and it will not



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suffer any financial loss. The statement made by the Institute proves the fact that it is not required to fill all the seats as sanctioned by AICTE. The final number is decided based on the standards that the Institute has to maintain and the available infrastructure. Further, the Appellant left the Course after the commencement of the academic session. Therefore, it was not possible for the Institute to admit any other student, in the place of the Appellant. Therefore, his contentions are untenable and not justified.

In view of the above facts and as per the AICTE fee refund policy, the Appellant is entitled to receive only caution deposit, hostel caution deposit and mess advance. Thus he is entitled to receive amount of Rs.53,935/- only. It is also noticed that the said amount has already been paid to him by the Institute. Therefore, his claim for remaining amount of fee is not maintainable in law and on facts. I hereby reject his Appeal.

All the connected records are returned to the Institute.

Manipal.

Dtd: 29 Jan 2014



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Ombudsman.