

BEFORE THE OMBUDSMAN SWAMI VIVEKANAND SUBHARTI UNIVERSITY, MEERUT
IN THE MATTER OF

Mr. Vishal Goyal

..... Appellant

Vs

The Subharti Institute of Technology & Engineering

.....Respondent

ORDER

1. This is an appeal dated 02.11.2013 filed by Mr. Vishal Goyal, ex student of 3 year M.Tech. programme of the Swami Vivekanand Subharti University wherein the appellant took admission in M.Tech. Programme in year 2009 in Subharti Institute of Technology & Engineering under the Swami Vivekanand Subharti University. He continued his studies in first year and appeared in the University examination in year 2010 and declared pass. The University issued him the marksheet for first year in which Part Time was mentioned. He then left the study on the plea that the programme he was studying was part time and was not AICTE approved.

He is now demanding full fee deposited by him with the University with interest and the compensation for his one year during which he studied.

2. Meeting for hearing was fixed on 26.12.2013 at 10:00 AM in Conference Room, SVSU. He was asked to submit papers for my review which he submitted. Dr. Jayant Shekhar was instructed to submit the following documents within a week for my study:
 - a) State of course in the year 2009-10 in respect of part time/ week end.
 - b) Whether approval from AICTE was necessary for the course concerned; and
 - c) Was the advertisement published in newspaper for the purpose valid/factual?

Director-TC clarified the above issues pointwise as follows:

- a) Initially the programme was started in year 2009 on regular mode as well as 2nd shift/evening shift (M.Tech. classes conducted in the 2nd shift/Evening Shift, the same was also used to be called as Part Time). The 2nd shift / Evening classes were held in the Evening as per the Academic Ordinance of the University. The Vice-Chancellor of the Swami Vivekanand Subharti University approved that the programme could also be run in 2nd shift on weekends (Saturdays, Sundays & Holidays) in view of the problem faced by students who were in job.
- b)
 - (i) The permission from AICTE was also sought for the same but AICTE did not reply. However, later AICTE also declared Part time programme for M.Tech. in evening shift/2nd shift to accommodate service executives.

Ravindra

- (ii) Clause No. (iv) of the advertisement No. UP/04(03)/2010 published by All India Council of India clearly states that there is no need of prior approval of AICTE by the universities for starting a programme.
- c) Neither the advertisement dated 27.02.2009 as produced nor the prospectus 2009 of the University states anywhere that the concerned programme, M.Tech., was declared AICTE approved.
3. Another hearing was fixed on 11.01.2014 at 11:00AM at the same venue. Mr. Vishal Goyal did not appear to the hearing though he was informed in the forum on 26th Dec.'13. The meeting was adjourned without hearing. However, he reached after adjournment of the meeting. The next date was fixed for 28th January 2014 at 11:00 AM at the same venue and Mr. Vishal Goyal was intimated through registered post also.
4. On 28.01.2014, Mr. Vishal Goyal has raised the same three issues which were pointed out earlier and demanded refund of his fee with interest and compensation of his one year of study as part time course in which he was not enrolled.

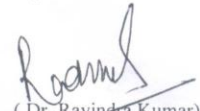
JUDGEMENT

I have gone through the documents submitted by Mr. Vishal Goyal, the complainant and those submitted by the respondent, Dr. Jayant Shekhar. No document states that Mr. Vishal Goyal was admitted in a Part Time M.Tech programme. Also, it is pertinent that the University does not need approval of AICTE before starting of technical course. However, it is mandatory for a University to maintain the norms & regulations of AICTE which is not questioned by Mr. Vishal Goyal. Since proper permission for the Vice-Chancellor had been taken to run the course in the week end and to complete the mandatory working hours per week as per AICTE norms, the programme cannot be considered null & void.

1. In view of the above, the demand of Mr. Vishal Goyal for refund of fee of the year when he had studied for full year and had also appeared and passed the examination and considering that the University was authorised to conduct the said programme, his demand is misconceived and can not be accepted;
2. Since Mr. Vishal Goyal has an objection of his part time course, the mark sheet which states Part Time may suitably be corrected by the University; and
3. Mr. Vishal Goyal may be given a chance, if he wishes, to complete the course at the same scheduled fee as per prospectus of 2009. And if it is time barred, special permission by the Vice-Chancellor for extension of duration of completion the programme may be sought.

The appeal is disposed of in terms of the orders as above.

Dated: February 15, 2014


(Dr. Ravindra Kumar)

Ombudsman

Swami Vivekanand Subharti University

Meerut

Copy:

- Mr. Vishal Goyal, 95, Sona Enclave (In front of Suman Cinema), Modi Nagar-201204, Distt. Ghaziabad
- Dr. Jayant Shekhar, Director Technical Campus, SVSU