

COLLEGES LIABLE FOR CONCEALING INFORMATION

Students who would like to take up professional courses better beware. It is not sufficient if you have enough money to pay donations and are eligible for the intended course. You should also make sure in your own interest that your admission is legal and has the sanction of the competent authority. This is what a recent case decided by the National Commission reveals.

With education becoming a money earning business, some institutions have mislead students about their affiliation, sanction intake strength and other infrastructural facilities like laboratory, library, hostel etc. While students can manage with or without other facilities, it is their legal status as students that is crucial.

In case of professional courses like medicine, engineering, dental sciences, a college or institution can admit students up to a limit as fixed by their respective councils or the government. The upper limit is fixed after considering the facilities provided by the institutions. Any excess intake is bound to be illegal and land students in trouble as in case of Ms Sonal Matapurkar, Ms Vandana Bansal and Mr Vishal Matapurkar.

These three students got admitted to the BDS course commencing from August 1992 at the S Nijalingappa Institute of Dental Science, Hassan. They paid fee and donation totaling to Rs 3,13,950. However the students were not permitted to take up the examinations in July 93 for the reason that the institute had violated the intake norms.

In order to save a precious academic year a writ petition was filed in the high court of Karnataka requesting for permission to appear in the examination. But this was turned down by the high court. As a result the student had to join another recognized dental college to pursue the studies incurring extra monetary expenditure.

The students, who suffered loss and mental agony, filed a complaint (1997(2) CPR/32/NC) against the institute in the National Commission set up under Consumer Protection Act on the grounds of deficiency of service and each claimed a compensation of Rs 24, 60,400.

During the course of hearing it was found that the institute which was authorized to admit 40 students had admitted 84 students after collecting huge sums by way of fees and donations. Though the institute had written to the Dental Council of India to permit intake of 100 students the same was not sanctioned. However the institute went ahead in admitting more students than the limit fixed.

In its version the institute argued that admission granted was provisional and was to be approved by the University of Mysore and Government of Karnataka. This was printed in the prospectus and the students had agreed for the same.

Secondly the institute said that the Dental Council of India had approved the admission of extra 44 students in its order of June 95 and the students did not avail of the approval or appeared in the next examination. As such they are not liable to pay any amount to the students.

Rejecting the contentions of the institute the National Commission said that the prospectus contained information relating to affiliation, admission, eligibility etc., but does not disclose the number of students admitted or the total number of students that can be admitted as approved by the competent authority.

It also said that the students (complainants) were not made aware of the total sanctioned strength either at the time of issue of prospectus or at the time of admission. Further it held that the undertaking that the admission was provisional applies to all students and is not special to the students submitted in excess of the sanctioned strength. The prospectus does not specify that such an understanding is required only from students who were seeking admissions in excess of the sanctioned strength.

The National Commission decided that this is a clear case of concealment of the true nature of the extent of sanctioned student strength and admission of 44 additional students was by wrongful representation. This was a fraud practiced on the students and there is a clear deficiency in service within the scope and ambit of the Consumer Protection Act.

As per the decision of the National Commission Ms Vandana Bansal got a compensation of Rs 1,28,600, Ms Sonal Rs 1,70,105 and Ms Vishal Rs 1,64,100 along with interest of 18 per cent pa from the date the institute received the payment till repayment. The students have also been awarded Rs 2000 each towards costs.
