



महर्षि दयानन्द सरस्वती विश्वविद्यालय, अजमेर

क्रमांक: एफ.14()शैक्ष. 11/मदसविवि/2023/

दिनांक:

वित्त नियंत्रक,
म.द.स. विश्वविद्यालय,
अजमेर।

विषय: यू0जी0सी0 एडमीशन फीस रिफण्ड पॉलिसी 2023-24 के क्रम में ।
संदर्भ: आपका पत्रांक 1018 दिनांक 29.08.2023

महोदया,

उपरोक्त विषयान्तर्गत एवं संदर्भित पत्र के क्रम में लेख है कि विद्या परिषद की 73वीं बैठक दिनांक 04.09.2023 के मद संख्या 08 के निर्णय की पालना में गठित समिति द्वारा की गई अनुशंसा एवं माननीय कुलपति महोदय द्वारा दिनांक 22.11.2023 को किये गये अनुमोदन की प्रति संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्न: उपरोक्तानुसार

भवदीय,

कुलसचिव

क्रमांक: एफ.14()शैक्ष. 11/मदसविवि/2023/ 31681-718

दिनांक: 23-12-23

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. समस्त विभागाध्यक्ष/प्रभारी/निदेशक, मदस विश्वविद्यालय, अजमेर।
2. संयोजक, विश्वविद्यालय प्रवेश समिति, म0द0स0 विश्वविद्यालय, अजमेर।
3. वेब-एडमिनिस्ट्रेटर, म0द0स0 विश्वविद्यालय, अजमेर को वेबसाईट पर अपलोड कराने हेतु।
4. परीक्षा नियंत्रक, मदस विश्वविद्यालय, अजमेर।
5. निजी सचिव, माननीय कुलपति, मदस विश्वविद्यालय, अजमेर।
6. निजी सहायक-कुलसचिव, मदस विश्वविद्यालय, अजमेर।

उप कुलसचिव (शैक्ष. 11)

REPORT OF THE COMMITTEE CONSTITUTED IN COMPLIANCE OF DECISION AT AGENDA ITEM NO. 8 OF 73RD MEETING OF ACADEMIC COUNCIL HELD ON 4TH SEPTEMBER 2023 WITH RESPECT TO REFUND OF FEES IN SESSION 2023-24 AS PER LETTER D.O. NO. F.2-71/2022 (CPP-II) DATED 3RD JULY 2023

The meeting of the Committee constituted vide Order No. F.14 () Acad.II /MDSU/2023 / 24952-955 dated 15.9.2023 (order delivered on 27.9.2023) was held on 20.10.2023 in the Department of Pure and Applied Chemistry at 2.00 p.m. Following were present:

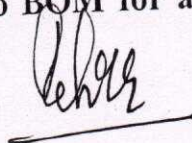
1. Prof.(Dr.) Shiv Prasad
2. Prof.(Dr.) Rita Mehra

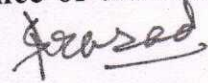
The Committee Members perused the letter No.D.O. No.F.2-71/2022(CPP-II) dated 3rd July 2023 and the Committee puts its findings and recommendation as under:

1. Neither in UGC Act nor in M.D.S. University Act there is any provision which binds the University to consider all UGC Notifications suo motto and make these applicable on State Universities, without directions of the State Govt. on such Notifications.
2. In support of this observation, the Committee downloaded few UGC Regulations and Notifications. **Even a casual study revealed that all the UGC Regulations/Notifications are not mandatory.** Following examples corroborate the non-binding nature of UGC Regulations/ Notifications **without specific** directions of the State Government.

For instance:

- (i) In UGC Reg., 2010; Appendix I; Point No.8(f)(i) of GOI letter dated 31.12.2008, the age of superannuation was raised to 65 Yrs. for teachers. The UGC Regulations 2018, in its Appendix I - the GOI order of Revision of Pay Scales dt.2.11.2017 at point No.12 referred in Appendix I of Regulations also keep the same age of retirement. The Govt. of India and UGC have kept the same age of 65 Years as age of retirement with UGC Regulations. **However, Govt. of Raj. had not agreed to raise the retirement age to 65 Years.** Only that part of recommendations accepted by State Govt. is sent to BOM for acceptance of the same.



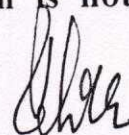


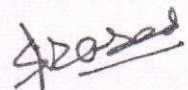
Since acceptance of this UGC Circular/Letter in the matter of fees, has not been communicated by State Government therefore, this Committee holds the view that it should not be accepted.

- (ii) GOI vide another letter dated 2.11.2017 had directed the UGC to adopt the Qualifications, Promotions, Revised pay Scales etc for Registrar, Deputy Registrar, Assistant Registrar etc wef 1.1.2016. UGC adopted these and notified too. But these were not put for consideration because the State Govt. had not accepted it. Hence the UGC Circular/Letter in the matter of fees, without approval of State Govt should not be agreed upon.

Thus, Law does not permit consideration of the UGC Letter No. D.O. No.F.2-71/2022(CPP-II) dated 3rd July 2023 for implementation in view of above.

3. Further, if UGC letter D.O. No.F.2-71/2022(CPP-II) dated 3rd July 2023 is adopted the result would be loss to University Exchequer, which is not provided for, by any Financial Law of University or State, hence the UGC Letter dated 3rd July 2023 regarding refund of fees cannot be complied.
4. Moreover, RAPSAR Act also does not permit anyone to commit loss of University Exchequer, hence the UGC Letter dated 3rd July 2023 regarding refund of fees cannot be complied.
5. Further the language of the UGC Notification of 2018 mentioned in the UGC letter dated 3rd July 2023 envisages that fees is taken by the applicants in advance before the notified date of admission, whereas, as per Prospectus of MDS University, Ajmer, fees is required to be deposited only after document verification done on personal presence of the applicant and after satisfying that the applicant is eligible for admission to the said course. Thus, the said UGC Notification is not applicable on MDS University.





6. A perusal of UGC Notification reveals that it has been issued by UGC under Section 12(d) and (j) of UGC Act, which are not mandatory but are only recommendatory in nature and are reproduced below:

Section 12 (d): recommend to any University the measures necessary for the improvement of University education and advise the University upon the action to be taken for the purpose of implementing such recommendation;

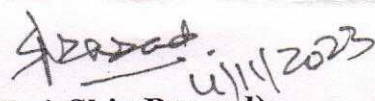
Section 12 (j): perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above function

7. As per general understanding, the cited provisions of Section 12(d) etc of UGC Act are not mandatory but are only recommendatory in nature, and in light of State Govt. provisions cited above, no punitive action can be taken against MDSU Ajmer under cited Clause 5 of the said Notification of 2018 on non-refund of fees in 2023-24.

8. In light of above facts, the Committee recommends that once the course fees etc are deposited the fees should not be refunded in 2023-24 or for a session prior or after it.



(Prof. (Dr.) Rita Mehra)



(Prof. (Dr.) Shiv Prasad)