

R

**A.P. EDUCATIONAL INSTITUTIONS (ESTABLISHMENT,
RECOGNITION, ADMINISTRATION AND CONTROL
OF INSTITUTIONS OF HIGHER EDUCATION)
RULES, 1987**

[G.O.Ms.No. 29, Education (Rules), 5th February, 1987]

In exercise of the powers conferred by Sections 20 and 21 read with Section 99 of the Andhra Pradesh Education Act, 1982 (Act No. 1 of 1982) and in supersession of all corresponding rules on the subjects, the Governor of Andhra Pradesh hereby makes the following rules relating to Establishment, Administration and Control of Institutions of Higher Education under Government and Private Sectors.

RULES

1. Short title, applicability and Commencement:— (1) These rules may be called "The Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987.

(2) These rules shall apply to all educational institutions (both Government and private) imparting the following classes/categories of education in the State of Andhra Pradesh:—

- (a) Junior Colleges (All Institutions imparting Intermediate education with or without attached high school/degree classes/courses);
- (b) Degree Colleges (imparting degree courses with or without attached Intermediate sections);
- (c) Oriental Colleges;
- (d) Hindi Mahavidyalayas;
- (e) Law Colleges (Colleges imparting Law Courses either exclusively or as Degree Colleges offering Law Courses also);
- (f) Post-Graduate centres (Colleges imparting Post-Graduation Degree/Diploma courses either exclusively or as degree colleges offering Post-Graduation Courses also).

(3) They shall come into force with immediate effect.

2. Definitions:— (1) In these rules, unless the context otherwise requires-

- (a) 'Act' means the Andhra Pradesh Education Act, 1982 (Act No. 1 of 1982);
- (b) 'Educational agency' means the educational committee/ Society/Trust/ Association/Sponsoring/managing/ running the educational institution both Government or private, unless otherwise specifically mentioned;
- (c) "Commissionerate" means the Andhra Pradesh Commissionerate of Higher Education constituted under Section 3 of the Andhra Pradesh Commissionerate of Higher Education Act, 1986.

1. R.S. to Part I (Ext.) A.P. Gaz., dt. 7-3-1987.

(d) 'Competent Authority' means the authority who is competent to grant permission/recognition/affiliation and the case may be to the educational institutions;

(e) 'Institution' means the educational institution indicated under Rule 1 (2) and sponsored/managed/run by the educational agency;

(f) 'Director' means the Director of Higher Education;

(g) 'Form' means a form appended to these rules.

(2) Words and expressions used in these rules but not defined herein shall carry the same meanings as are assigned to them in Act.

3. **Power to grant or withdraw permission:**— The competent authority for granting or withdrawing of permission for the establishment of all classes categories of educational institutions mentioned in sub-rule (2) of Rule 1 shall be the Commissionerate.

4. **Conditions for grant of permission:**— (1) Permission for the establishment of any of the educational institution mentioned in (2) of Rule 1 or for opening of additional courses in any existing educational institution shall be granted only if the conditions laid down in Section 20 of the Act are satisfied and after obtaining the prior approval of the Commissionerate under sub-section (2) of Section 11 of the Andhra Pradesh Commissionerate of Higher Education Act, 1986;

(2) No permission shall be granted if the educational needs of the locality are adequately served already and in the opinion of the competent authority, the opening of a new institution is likely to create unhealthy and undesirable competition with another institution of the same class/category, in the area.

(3) No permission shall be granted for the establishment of an educational institution by way of upgradation of high school into Junior College, Junior College into degree college and Degree College into Post-Graduation Centre. However with the prior approval of the Commissionerate of Higher Education, they can be permitted to be established within the premises of an existing institution provided the educational agency is prepared to provide the prescribed requirements like accommodation, furniture, library, laboratory and other facilities exclusively for the proposed class/category of institution.

["(4) No permission shall be granted for the establishment of a Law College Unless it is located with in a distance of 30 K ms. From a place where District Court or Additional District Court is located]

CASE LAW

Rule 4 — Opening a new college at the same place where there is already a college — Expert Body felt the need for another Degree College for starting new courses — Permission granted to third respondent to start the Degree College based on the report of the said Expert Body — Neither arbitrary nor illegal — Opposition by another college (appellant) situated at the same place — Not justified — Appeal dismissed. *Sri Teja Educational Society v. A.P. State Council of Higher Education, Hyderabad and others* 2002 (2) ALT 426 = AIR 20002 A.P. 357 (D.B.).

1.Sub-rule (4) added by G.O.Ms.No. 41. Higher Education (UE. II), dt. 20-4-2006.

5. Application for grant of permission:— (1) All applications for establishment of a Junior College shall be made to the Secretary, Board of Intermediate Education, Andhra Pradesh, Hyderabad and those for establishment of all other classes/categories of institutions mentioned at (b) to (f) in sub-rule (2) of Rule 1 shall be made to the registrar of the University concerned, in Form-I *in triplicate*, for their feasibility report. The applications accompanied by the following documents shall reach the competent authority not later than the 31st January of the year preceding the academic year in which the institution is proposed to be opened namely:—

- (a) a copy of the constitution and bye-laws of the educational agency proposing to establish the institution;
 - (b) a counterfoil of the challan in support of the remittance of the fees prescribed under Rule 5(2)(a);
 - (c) a sketch plan of the site;
 - (d) a rough plan of the building showing the location of each room, its dimensions and the use it is proposed to be put to;
 - (e) (i) in case the institution is proposed to be located in private accommodation, documentary evidence to show the applicant's ownership or his right to be in exclusive possession of the site and buildings at least for a period of 5 years;
 - (ii) documentary evidence to show the applicant's ownership of the land which has been provided for use of the institution and a sketch plan of the buildings proposed to be constructed, if the buildings are not already constructed;
 - (f) a copy of the notification of the Commissionerate of Higher Education indicating their proposal for starting the institution in the area.
 - (g) the letter of permission of the Zilla Parishad or Municipality, as the case may be, for locating the proposed Government institution, if the institution, is proposed to be located within the premises of the existing Zilla Parishad or Municipal institution.
 - (h) applications for establishment of Government institutions emanating from the Government shall be routed through the Director to the Board of Intermediate Education or the University concerned as the case may be, for feasibility report.
- (2)(a) The fees to be paid in respect of every application for the establishment of various classes/categories of private educational institutions shall be as indicated below:

Class/Category of Institution.	Fees. Rs.
(a) Junior Colleges.	500-00
(b) Degree Colleges.	¹ [1000-00]
(c) Hindi Maha Vidyalayas	500-00
(d) Oriental Colleges	500-00
(e) Law Colleges	1,000-00
(f) Post-Graduate Centres	1,000-00

(b) The head of account to which the fee shall be credited be a follows:

(i) In respect of Junior Colleges:

"007-Education—D. Pre-University Education—M.H.—(01)—other receipts—S.H. (01)—Contribution and income from Endowments".

(ii) In respect of all other Institutions:

"007—Education—E. University and other Higher Education—M.H. (15)—other receipts—S.H. (01)—Contribution and income from Endowments".

(c) The fees to be paid in respect of every application of an educational agency for the establishment of Government educational institutions shall be half the fee prescribed for private educational institutions, and shall be credited to the same head of account indicated for the respective private institutions.

There shall be no application fee in respect of applications emanating from Government for establishment of Government institutions.

(3) The application for the establishment of new educational institutions which are not accompanied by the challans, for the remittance of the prescribed fee and other documents mentioned under Rule 5(1) and (2) applications not received within the prescribed time limit, shall be rejected.

(4) The application fee deposited shall not be refunded under any circumstances.

²[(5) No fees shall be levied in respect of applications for the opening additional sections", provided that in the case of opening additional sections in Under-Graduate Courses in private affiliated Under-Graduate Colleges, the fees shall be levied in respect of the application forms as may be prescribed.]

6. Condition for Grant of permission:— (1) The corpus fund (endowment) to be deposited, extent of land, accommodation and other conditions to be fulfilled by the

1. Subs. for the figure 800,00 by G.O. Ms.No. 1 Education (U.E. ii) dt. 2-1-1997 (Vide A.P. Gazette Part I, dt. 30-1-1997, at page 136.

2. Sub-rule (5) subs. by G.O.Ms.No. 332, Higher Education (UE-II), dt. 9-12-1999.

(5) No fee shall be levied in respect of applications for the opening additional sections. The applications shall be made to the Government within three months before the commencement of the academic year in which they are proposed to be opened, at the latest. No additional section shall be opened without obtaining the prior approval of the Government.

educational agency before permission for establishment of the institution is accorded by the Commissionerate, shall be as prescribed below. The Government may however relax the conditions in respect of the establishment of Government institutions in deserving cases.

- (2) The corpus fund (endowment) to be deposited by the educational agency for establishment of various categories of private educational institutions shall be as follows:—

Category or of Institution	Corpus fund to be deposited Rs. in lakhs
(a) (i) Junior College (for boys or co-educational).	5.00
(ii) Junior College (for women or to be established in Tribal area).	3.00
(b) (i) Degree College (for boys or co-educational)	6.00
(ii) Degree College (for women or to be established in Tribal area)	5.00
(c) Oriental College	3.00
(d) Hindi Mahavidyalaya	3.00
(e) (i) Law College, (with L.L.B., and L.L.M., course)	10.00
(ii) Law College, (with L.L.B Course only)	5.00
(f) Post Graduate Centres:	
(i) M.B.A. or other allied management courses (Degree or diploma—for each course)	5.00
(ii) M.Com.,	5.00
(iii) M.A. (for each subject/course like Economics, History, etc.).	5.00
(iv) M.Sc. (for each subject/course like Botany, Zoology. etc.).	5.00

- (3) The corpus fund (endowment) to be deposited for establishment of the Government institutions shall ordinarily behalf of the amount prescribed for the establishment of corresponding private institutions. The Government may in deserving case further relax this condition.
- (4) The educational agency of the private institution shall deposit the corpus fund (endowment) in the joint account of the management and the Government represented by the Regional Joint Director concerned, in any of the branches of nationalised banks. Under no circumstances the corpus fund deposited shall be permitted to be withdrawn. The Government may however permit the educational agency to utilise the interest accrued over, and above the prescribed corpus fund, for the development of the institution at an interval of five to ten years.

1["Provided that in the case of Law Colleges the corpus fund (endowment) shall be deposited in the joint account of Management and Government represented by the Secretary, Andhra Pradesh State Council of Higher Education"].

(5) The educational agency of the Government institution shall deposit the corpus fund (endowment) in the Government head of account indicated under Rule 5(2)(b)(i) and (ii) as the case may be.

(6) The extent of land and accommodation to be provided by the various categories of the educational institutions (both Government and private) shall be as follows:—

(a) in respect of Junior Colleges.	10.00 acres of land and buildings with plinth area of 8,000 Sq.Ft.
(b) in respect of Degree Colleges.	15.00 acres of land and buildings with plinth area of 8,000 Sq.Ft.
(c) in respect of Oriental Colleges or Hindi Mahavidyalaya.	10.00 areas of land and buildings with plinth area of 8,000 Sq.Ft.
(d) in respect of Law Colleges.	10.00 acres of land and buildings with plinth area 8,000 Sq.Ft.
(e) in respect of Post-graduate centres.	15.00 acres of land and buildings with plinth area of 8,000 Sq..Ft. For every additional courses/subject additional accommodation with plinth area of 1,000 Sq.Ft. shall be provided.

(7) The educational agency shall provide suitable buildings for accommodating the proposed institution as per the specification laid down by the Board of Intermediate Education or the University concerned, as the case may be.

(8) The institution shall have, in addition to class rooms, library and laboratory rooms, an office room, Principal's room, staff room, ladies waiting room with attached toilet, students' union room and a conference hall. There shall be adequate urinals and toilets separately for staff, boys and girls.

(9) The extent of land to be provided by the educational agency as indicated in sub-rule (6) shall be utilised for developing it as play ground and garden for the institution. The educational agency shall take necessary action in this regard. The Government are empowered to reduce the extent of land to be provided by the educational agency for the purpose of playground and garden of the institution, especially in Urban areas.

(10) If the Government Junior College/Degree College is proposed to be located within the premises of an institution belonging to the Zilla Parishad or the Municipality concerned, the educational agency shall get the prior permission of the Zilla Parishad or the Municipality concerned, as the case may be, to locate the proposed institution and to utilise the facilities like accommodation, furniture, library, laboratory, play ground, etc., belonging to the already existing

1. Proviso added by G.O.Ms.No. 41. Higher Education (UE. II), dt. 20-4-2006.

institution until separate accommodation etc., are provided for the proposed institution. The educational agency shall send the letter of permission along with the application for the establishment of the institution. The educational agency shall take necessary steps to provide necessary accommodation and other facilities exclusively for the proposed institution, at the earliest possible.

- (11) If the private institution is proposed to be located in a private accommodation, the Commissionerate may permit the educational agency to do so provided that a lease hold building suitable for accommodating the institution is acquired and that a lease-deed for a period of not less than 5 years is produced. The educational agency shall also produce documentary evidence to show that they have the requisite land and money to construct the buildings and that they are prepared to construct the said buildings within a period of 5 years at the latest.
- (12) If the private educational institution is proposed to be located within the premises of an already existing institution, the educational agency shall provide necessary accommodation and other facilities like furniture library, laboratory, etc., exclusively for the use of the proposed institution, as per the specifications laid down by the Board of Intermediate Education or the University concerned as the case may be.

(13) Other physical facilities to be provided by the educational agency shall be as follows:

- (a) *Furniture*:— Each class room shall be provided with a blackboard either wooden or walled. There shall be a chair and a table for the use of the lecturer. Sufficient number of desks or chairs with side-writing planks or tables and chairs for the use of the students shall be provided.
- (b) *Laboratory*:— There shall be separate laboratory for conducting experiments/practicals in Chemistry, Physics, Botany, Zoology, etc., subjects.

Science equipment such as apparatus, chemicals and other materials required for conducting practicals/experiments in physics, chemistry, etc., subjects shall be provided adequately. Similarly animal and plant specimens, microscopes and slides and other materials required for conducting practicals, experiments relevant to syllabus prescribed for botany and zoology subjects shall also be provided separately.

When vocational courses are proposed to be introduced, separate laboratory with adequate equipment relevant to the courses offered, shall be provided for conducting practicals/experiments.

In the laboratories, sufficient number of large tables shall be provided for keeping the apparatus, microscopes and other equipments and to conduct practicals/experiments. The students shall be provided with stools for sitting while conducting experiments/practicals.

- (c) *Library*:— The educational agency shall provide adequate number of text books prescribed for the courses to be offered in the proposed institution. Reference books of higher knowledge pertaining to the courses of study and books on recent developments in various fields shall be provided to enable

the teaching staff to acquire up-to-date knowledge in their respective subjects who in turn will enlighten the students. It is also desirable to provide books of great literary importance and autobiographies of great personalities. Books on general subjects also need be provided which will enable students and the staff to get acquaintance with the day to day happenings around the world in the various fields.

(d) *Games and Sports*:— Articles and material required for efficient practicing of indoor and out-door games and sports shall be provided. There shall be separate room for games and sports.

1[(14) It shall be mandatory for a Law College to start and continue both 3 year and 5 year Law Courses].

7. (1) *Staff Pattern*:— The staff pattern for various classes/categories of educational institutions shall be as prescribed by the Board of Intermediate Education/University/²["State Council of Higher Education"] as the case may be.

(2) *Appointment of teaching and non-teaching staff*:— (a) Appointment of teaching and non-teaching staff in the Government educational institutions shall be by way of recruitment through the Andhra Pradesh Public Service Commission or as per the procedure prescribed by the Government from time to time.

(b) Appointment of teaching staff in private educational institutions shall be by way of recruitment through the Andhra Pradesh College Service Commission or as per the procedure prescribed by the Government from time to time.

(c) Appointment of non-teaching staff in private educational institutions shall be by the Selection Committee from among the candidates sponsored by the Employment Exchange or drawn through newspaper advertisements in case the Employment Exchange could not sponsor suitable candidates. The Selection Committee shall comprise of the following members and the quorum for the Selection Committee shall not be complete unless atleast four of the five members are present. The candidates approved by majority members present shall be deemed to have been selected by the Committee.

(i) a nominee of the educational agency;

(ii) the Principal of the Institution;

(iii) one representative of the Board of Intermediate Education/University concerned as the case may be;

(iv) two nominees of the Director of Higher Education.

(3) *Competent authority for approval of appointments*:— The competent authority for approval of appointments of teaching-staff of intermediate education shall be the Board of Intermediate Education and that for other educational institutions shall be the university concerned. The competent authority for approval of appointments of non-teaching staff in all the institutions shall be Director.

1. Sub-rule 14 added by G.O.Ms.No. 41. Higher Education (UE. II), dt. 20-4-2006.

2. For the words "Director of Higher Education" subs. by G.O.Ms.No. 41. Higher Education (UE. II), dt. 20-4-2006.

The educational agency shall get the list of selected candidates approved by the competent authority within one month from the date of making the appointments, by applying through FORM-IV. Appointments made as per selection by Service Commission, however do not require further approval.

- (4) *Payment of salaries to staff*:— The educational agency of any private institution shall pay salaries to its staff as per the Government scales of pay and by following such procedure as may be prescribed by Government from time to time, in this regard.

8. Power to Grant or Refuse Permission:— (1) Commissionerate of Higher education are the competent authority for grant or refuse permission for the establishment of various categories of educational institutions indicated under Rule 1(2).

- (2) Government, keeping in view their financial position during the Particular financial, academic year and the educational needs of the localities on priority basis, shall take a policy decision as to the number of Government and private institutions proposed to be established during the particular academic year, identifying the localities where they are to be established in consultation with the Director and communicate the same to the Commissionerate. The Commissionerate, on receipt of the Government communication containing the particulars of the number of Government and private institutions proposed to be established during the academic year and the localities where they are to be established, shall make gazette notification and/or news paper advertisement calling for applications, in triplicate, from the educational agencies desirous of establishing Government private institution of the category specified and in the locality specified, directing them to make the applications along with the fees prescribed to the Board of Intermediate Education/university concerned, as the case may be, following the procedure prescribed under Rules 5 and 6.
- (3) The Board of Intermediate Education University concerned shall scrutinise the applications received in triplicate, from the educational agencies as well as those emanated from the Government and got forwarded through the Director, strictly in accordance with the rules and regulations provided under the Act. They shall conduct necessary inspection etc., as deemed fit and forward two applications of each educational agency along with their inspection reports and recommendations in duplicate, to the Director, retaining one copy with them. The Director in turn shall retain one application of the educational agency and a copy of the inspection report etc., and forward the original application of the educational agency together with the remaining copy of inspection report etc., along with his remarks to the Commissionerate. The Director shall also indicate the number of teaching and non-teaching posts required to be sanctioned, the expenditure involved and the budget provision, while forwarding the applications for the establishment of the Government institutions.
- (4) The Commissionerate who are the competent authority to grant or refuse permission for the establishment of the educational institution after examining

the particulars contained in the application and the inspection reports etc. The decision of the competent authority either for granting or refusing the permission for establishment the institution shall be communicated to the educational agency within three months from the date or receipt of the application, as far as possible. If the permission is refused, the educational agency shall be informed of the grounds for such rejection and the Director shall take necessary action to refund the corpus fund (endowment) deposited, to the educational agency.

- (5) No educational agency shall start any educational institution without obtaining specific orders of permission from the competent authority. Mere making of application and non-receipt of communication of letter of rejection from the competent authority within time, shall not entitle any educational agency to start the institution for which permission has been sought for. Educational agencies starting institutions without obtaining prior permission from the competent authority are liable to be punished under the provisions of the Act.
- (6) The Commissionerate shall send to Government a copy of the order of permission accorded to the educational agency, for information.

CASE LAW

Rule 7 (4) — Lecturers in private colleges — Working in unaided posts — Entitled to Government scales as they are working in public interest — Contention of college that petitioners-lecturers agreed to receive a consolidated salary and that therefore they must be deemed to have waived their statutory rights under Rule 7 (4) — Not tenable — Such an agreement is void on grounds of public policy — Directions given to first respondent college to pay petitioners Government scales irrespective of their working in unaided posts. *M.D. Soujanya and another v. S.V.V.P.V.M.C. Mahila Vidya Peeth, Visakhapatnam* 2006 (3) ALT 394.

9. Power to Grant or withdraw Recognition/Affiliation:—(1) Competent authority:—

(a) The Board of Intermediate education shall be the competent authority for granting or withdrawing of temporary/permanent recognition/affiliation for all educational institutions imparting intermediate education as per clause (ii) of sub-section (1) of Section 9 of the Andhra Pradesh Intermediate Education Act, 1971 (Act No. 1 of 1971).

- (b) For all other institutions mentioned at (b) to (f) in sub-rule (2) of rule-1, the competent authority for granting or withdrawing of temporary/permanent recognition/affiliation shall be the University concerned.
- (2) (a) Government institutions shall be accorded permanent recognition/affiliation straight away, by the competent authority if he is satisfied that the conditions prescribed for this purpose are satisfied.
- (b) To Start with, the private institution shall be accorded temporary recognition/affiliation subject to fulfilment of such conditions as may be prescribed by the competent authority. The temporary recognition/affiliation is renewable annually for a period of five years relaxable to ten years in deserving cases by which time the educational agency shall fulfill the conditions stipulated for grant of permanent recognition/affiliation. Applications for renewal of temporary recognition/affiliation shall be made

to the competent authority in Form-III not later than three months prior to the expiry of the period of temporary/recognition/affiliation.

- (3) (a) The educational agency of the private institution in respect of which the competent authority have accorded permission, is permitted to admit students and to appoint staff by following the procedure prescribed in Rule 7, immediately after the receipt of the orders of permission to open their institution. After fulfilling the conditions stipulated for grant of temporary recognition/affiliation, the educational agency shall make an application to the competent authority in Form-IV for approval of the appointments made and Form-III for grant of temporary recognition/affiliation to the institution. The application shall be made accompanied by the following documents within a period of three months from the date of receipt of the order of the permission:—
- (i) copy of the orders in which permission to open the institution has been accorded;
 - (ii) lists of teaching and non-teaching staff appointed.
 - (iii) lists of students admitted into various classes/courses;
 - (iv) bank challan in proof of the payment of inspection fee and Recognition/Affiliation Fees.
- (b) On receipt of the application from the educational agency, the competent authority shall make inspection of the institution to find out the extent of fulfilment of the conditions prescribed for grant of temporary recognition/affiliation, on a date convenient to both parties.
- (c) Unless the students are admitted and staff are appointed and other conditions are satisfied, the competent authority shall not accord approval to the staff appointed and accord temporary recognition/affiliation to the private institution and consequently the students shall not be allowed to appeal for the public examinations.
- (4) The Inspection Fee and recognition/affiliation fee to be collected from the educational agency shall be as prescribed by the competent authority indicated in sub-rule (1). The fees shall be credited in their respective head of account and can be utilised for incurring the expenditure involved.

CASE LAW

Rule 9 (2)(b) — Whether mandatory or directory — A private college shall be accorded temporary affiliation subject to fulfilment of conditions as may be prescribed by University for a period of one year renewable for a period of five years by which time prescribed conditions must be fulfilled for grant of permanent affiliation — After five years, the institution must necessarily obtain permanent affiliation by owning its own buildings, in default permission and affiliation are liable to be withdrawn — Rule 9 (2)(b) therefor mandatory and not directory. *Sree Krishna Chaitanya Degree College, rep. by Correspondent and others v. Registrar, Sri Venkateswara University, Tirupathi* 2004 (6) ALT 354.

10. Conditions for grant of permanent recognition/affiliations:— The competent authority shall grant permanent recognition/affiliation to the Government and private

institutions which are enjoying temporary recognition/affiliation atleast for a period of five years, subject to the fulfilment of the following, conditions:-

- (1) that the institution has pucca buildings of its own with the prescribed facilities like furniture, library, laboratory, play ground etc;
- (2) that the educational agency fulfilled all the conditions prescribed for granting temporary recognition/affiliation;
- (3) that the educational agency has implemented all the instructions issued by the competent authorities in all matters;
- (4) that the educational agency has not denied admission to any student on the grounds of religion, caste, race or language;
- (5) that the educational agency has not encouraged any propaganda or practice wounding the religious feelings of any class of citizens of India or insulting the religions or the religious beliefs of that class;
- (6) that the educational agency has not refused for constituting the institution as a centre for conducting the Government examinations like Andhra Pradesh Public Service Commission, etc;
- (7) that the educational agency has appointed the staff following the procedure prescribed by the Government, from time to time, and got the appointments approved by the competent authority;
- (8) that the educational agency has reinstated the staff member whom it has removed/suspended, on receipt of orders from the competent authority for such reinstatement.

CASE LAW

Rule 10 — Private degree college — Permanent affiliation — Owning of permanent building is an essential pre-requisite to seek permanent affiliation of University. *Sree Krishna Chaitanya Degree College, rep. by Correspondent and others v. Registrar, Sri Venkateswara University, Tirupathi and others*; 2004 (6) ALT 354.

11. Conditions for withdrawal of permission/recognition/affiliation:— The competent authority shall withdraw permission/recognition/affiliation granted to the private educational institution under the following circumstances:-

- (1) When an institution, including a permanently recognised/affiliated institution (both non-minority or minority) in the opinion of the competent authority, has failed to fulfil any of the conditions prescribed the permission/recognition/affiliation accorded to that institution shall be withdrawn permanently or for any specified period.
- (2) When permission/recognition/affiliation of the institution is to be withdrawn, the educational agency shall be given an opportunity to give its explanation for failure to comply with the prescribed requirements, within a month. If the educational agency is prepared to rectify the defects communicated by it, the competent authority may give a reasonable time not exceeding three months to rectify the defects. If, in the opinion of the competent authority, the educational agency has rectified the defects pointed out, the permission/

recognition/affiliation may be continued subject to such further conditions and instructions that may be deemed necessary. But if the educational agency fails to rectify the defects within the given time, the permission/recognition/affiliation shall be withdrawn.

- (3)(a) The competent authority after withdrawing permission shall recommend to the competent authority concerned to withdraw the recognition/affiliation granted to the institution in question, who shall take necessary action accordingly.
- (b) The competent authority for granting of recognition/affiliation may also initiate action to de-recognise any institution for failure to fulfill the conditions prescribed for granting/continuing the recognition/affiliation accorded to the institution and recommend to the competent authority for granting of permission, to take steps to withdraw the permission granted to establish the institution, who shall take necessary action accordingly.

12. Opening of additional sections/media/group/courses:— (1) (a) The competent authority for according permission to open additional sections/media/groups shall be the Government.

- (b) The competent authority for granting of permission for opening of new courses other than those permitted at the time of according permission to establish the institution, shall be the Commissionerate of Higher Education.
- (2) The educational agency will have to apply to the competent authority for grant of permission to open additional sections/media/groups, courses, in Form-II and the permission shall be accorded subject to the availability of various physical facilities like accommodation etc., required for the proposed additional section/media/group/course.
- (3) The educational agency shall be permitted to open such number of sections/groups/courses and in such media for which permission has been accorded provided that there is minimum strength of students to maintain the section/group/course as the case may be. No section/group/course in any media, shall be opened without the minimum strength of students and without the prior permission by the competent authority. The minimum/strength required shall be as prescribed by the Board of Intermediate Education/University concerned, as the case may be.

13. Recognition/affiliation of the existing private educational institutions:— (1) All the private educational institutions which have been accorded permission to establish and accorded recognition/affiliation, after the commencement of the Andhra Pradesh Education Act, 1982 (Act No. 1 of 1982) that is, with effect from 18-7-1982, shall be deemed to have been enjoying temporary recognition/affiliation.

- (2) The educational agencies of all the private institutions coming under sub-rule (1) shall apply to the competent authority for grant of permanent recognition/affiliation in Form-III. The competent authority, after satisfying himself that the conditions prescribed for according permanent recognition/affiliation have been fulfilled, shall accord permanent recognition/affiliation to the institution.

If the competent authority is of the opinion that the conditions prescribed for granting of permanent recognition/affiliation have not been fulfilled by any of the educational institution, such institution shall be accorded temporary recognition/affiliation for a further period of one academic year subject to such further conditions and instructions as deemed necessary, as in the case of new private educational institutions.

14. General Instructions:- (1) All the rules as far as relevant are also applicable to all the existing institutions.

(2) Under no circumstances the application fee paid by the educational agency at the time of making the application for permission to open the institution shall be refunded. However the corpus fund (endowment), if already deposited, shall be refunded to the applicant in case permission to establish the institution is refused by the competent authority.

(3) No institution for which permission to establish has been granted to meet the educational needs of a particular locality, shall be permitted to be shifted to another locality. However shifting of the institution from one building to another within the same locality shall be permitted when the intention is to provide better accommodation or shifting into own buildings is proposed, with the prior permission of the Government. Any unauthorised shifting of the institution shall render lapse of the permission/recognition/affiliation granted to the institution automatically, without any further notice or orders.

1(4) The educational agency, for which permission to establish an institution has been accorded, shall not be allowed to transfer the institution to another educational agency;

Provided that Government may permit such transfer of the Institution which fulfills the following conditions, namely;

(i) the institution should be in existence for at least three academic years prior to the academic year in which the request for change of educational agency is made.

(ii) ²[x x x]

(iii) The educational agency, to which the institution is proposed to be transferred, shall not have under its management more than twenty percent of the total number of institutions of the same class/category in the Mandal/Municipality.

-
1. Sub-rule (4) subs. by G.O.Ms.No. 35, Higher Education (IE. II), dt. 25-4-2007.
 - (4) *The educational agency for which permission to establish an institution has been accorded shall not transfer the institution to another educational agency under any circumstances. In case the educational agency which has been permitted to establish the institution is unable to manage it, it may approach the Government to consider its request for taking over of the institution, provided it has completed at least ten years of existence.*
 2. Clause (ii) omitted by G.O.Ms.No. 211, Higher Education (IE.II), dt. 8-11-2007. The original clause (ii) read as under:-
 - (ii) *In each of the three previous academic years, the admitted strength of the institution must be less than 220 in case of a Junior College and 100 in case of a Degree College.*

Note: For the purpose of this sub-rule, the twenty percent ceiling shall be reckoned by taking into account the number of institutions already in existence in the Mandal/Municipality under the management of educational agency and the number applied for transfer to it.].

- (5) Under no circumstances women's institution shall be allowed to be converted into co-educational or boy's institution and *vice-versa*.
- (6) The applications prescribed for admission of students and the advertisement calling for the applications shall invariably contain the particulars or order under which the institution has been established.
- (7) The admission of students into various courses shall be as per the rules of admission prescribed by the Government/Board of Intermediate Education/University concerned, from time to time. While making admissions the rule of reservation shall be scrupulously followed. The intake of students shall not exceed the prescribed limits of strength. The Principal of the institution shall be personally held responsible for violation of rules of admissions. The Educational agency shall not interfere in the matters of making admission of students.
- (8) The educational agency shall not collect fees or donations either in cash or in kind other than prescribed by the Government from pupils or parents or any other persons on their behalf, for any purpose whatsoever.
- (9) The educational agency shall carry out the instructions issued by the Government/Board of Intermediate Education/University from time to time with a view to maintain the academic standards and to safeguard the interest of teachers and pupils.
- (10) The Educational agency shall fulfil all the conditions stipulated by the competent authorities for grant of permission/recognition/affiliation.
- (11) The premises of the institution (buildings, playground or open site) whether adjacent to it or away to it, shall be used for the purposes of conducting classes or functions conducted by the institution for education purposes or for authorised examinations or for other purposes specifically permitted by the competent authorities.
- (12) The premises of the institution shall be sufficiently healthy, well lighted and well-ventilated with due provision for the safety of the pupils. The institution shall produce a sanitary certificate from the Municipal Health Officer/Medical Officer of the Primary Health Centre.
- (13) The Private Educational Institutions must be prepared to maintain themselves from out of their resources and they cannot claim grant-in-aid from Government as a matter of right, once prescribed period of existence completed.
- (14) The educational agency shall not open additional sections/media courses for which permission has not been obtained. No course/media section functioning duly permitted shall be closed down without prior permission of the competent authority.

- (15) The educational agency shall adopt Teachers Provident Fund Scheme or any other scheme for the benefit of its employees as prescribed by the Government from time to time.
- (16) The educational agency shall maintain all the records and registers as prescribed by the competent authorities, and they shall be made available to the concerned inspecting officers for inspection/surprise checks.
- (17) The educational agency shall adopt the code of conduct prescribed for the teaching and non-teaching staff.

FORM-I

Under Rule 5(1)

Application For Opening of New Educational Institutions.

Details of Challan through which prescribed

Application fee has been deposited.

(counter foil of Challan to be enclosed)

1. Name and address of the applicant/educational agency sponsoring the institution. (in case of Government institutions):
2. (a) Local authority or educational agency who will run the institution (in case of non-Government institutions).
(b) Name of the Secretary/Correspondent Manager:
3. The purpose and the necessity for opening the new institution.
4. Name of the proposed institution.
5. Academic year in which it is proposed to be opened.
6. (a) Classes or courses of study in which education is proposed to be imparted and the medium of instruction.
(b) Number of pupils proposed to be admitted in each course.
7. Details of the notification according to which the educational agency is making the application for establishment of the institution.
8. (1) Buildings and other facilities available for running the institution:
 - (a) Number of class rooms and the dimensions of each.
 - (b) Furniture.

- (c) Equipment:
 - (d) Library or reading room.
 - (e) Laboratories, workshops.
 - (f) Playgrounds.
 - (g) Sanitary facilities.
 - (h) Water Supply.
- (2) If facilities are not readily available, the arrangements proposed.
- 9.(a) Whether the buildings, etc., are owned by the applicant, if not the nature of tenure of the property by the applicant.
- (b) Whether the applicant proposed to acquire the site for the institution. If so, the source from which the cost will be met.
10. Whether the Educational Agency is prepared to collect tuition fee and other fees from the students as prescribed by Government from time to time.
11. Whether the applicant is running any other educational institution if so, the details thereof.
12. Whether the applicant is prepared to furnish the cash security specified in the rule. (in the case of Government institutions).
13. Other guarantees, if any, the applicant can give.
14. Whether there is provision for hostel and if so, the details.
15. Other amenities, if any, proposed for the students.
16. Number of institutions of the same class or category in the neighbourhood and the strength of each such institution and the distance from the proposed institution.

Signature of the Applicant.

(with stamp).

FORM II

[Under Rule 12 (2)]

Application for opening of additional sections/courses/media.

1. (a) Name of the Institution,
(b) Name of the educational agency/Secretary-cum-Correspondent.
2. Class-wise strength (boys and girls separately).
3. Medium of Instruction proposed to be introduced.
4. Details of additional sections/courses/media proposed to be opened, (can be furnished in a separate statement).
5. Prospective strength in the proposed additional sections/courses/media.
6. Need for opening the additional sections/courses/media.
- 7.(a) Number of institutions of the same class in the neighbourhood (with class and strength).
(b) Whether these institutions cannot meet the educational needs in the locality.
(c) Whether the interest of these institutions will suffer adversely in case permission is accorded to the educational agency.
8. Distance and natural barriers, if any, with the neighbouring institutions deserving permission to the education agency.
9. Whether the Educational Agency is willing to run the new classes without aid from Government either now or in future.
10. Whether accommodation, furniture, equipment, library play-grounds, etc., are available for the opening of the proposed additional sections/courses/media. If not readily available, what arrangements will be made to provide these facilities.
11. No. of the teachers existing and their qualifications and the number of new teachers proposed to be appointed to.
12. (a) the expenditure involved in running the new classes (Recurring & Non-recurring).
13. Remarks:-
(Please give full details against the above columns with copies of relevant references).

Signature of Applicant.
(with stamp).

FORM III

[Under Rule 9(2) and Rule (3)(a)]

**Application for grant of or Renewal of Temporary or Permanent Recognition/
Affiliation to Colleges**

(Irrelevant words to be stricken off)

1. Name of the institution with full address.
2. Date of opening of the Institution:
(copy of order of permission has to be enclosed).
3. Name of the educational agency managing the institution.
4. Is the educational agency a registered body?
(a certified copy of registered deed should be enclosed).
5. Name of the Secretary/Correspondent/Manager.
6. Name of courses offered for which recognition/affiliation is sought for.
7. (a) Class-wise/course-wise strength of students. (list of students to be enclosed).
(b) Whether rules of admission followed while admitting students.
8. List of teaching and non-teaching staff appointed indicating qualification and age at the time of appointment:
(Attested copies of the qualifications and age certificate of the employees to be enclosed).
9. Whether the prescribed corpus fund (endowment) has been created: (evidence to be produced).
10. (a) details of accommodation (supporting documents to be enclosed)
(b) Whether the accommodation provided is owned or rental.
(i) If owned, documentary evidence to be produced.
(ii) If rental, lease-hold deed for a period of not less than five years to be produced (a declaration to construct own buildings within a period of five years also has to be produced).
11. Details of furniture to be furnished:
12. Details of laboratory equipment like apparatus chemicals, microscopes and slides etc.,
13. Details of audio-visual equipment available:

14. Details of books available in the library:
 - (a) Text Books.
 - (b) Reference books.
 - (c) Literature books.
 - (d) General knowledge books.
 - (e) Miscellaneous books.
15. Details of games (Sports articles/material/equipment available).
16. Whether there is play ground for the institution:
17. Whether arrangements are made for the medical inspection of pupils:
18. Full details of the property that is present in the name of the education agency (Documentary evidence to be produced).
19. Whether prescribed sanitary facilities available. (Sanitary certificate from the prescribed Health Officer shall be enclosed).
20. Whether the educational agency has fulfilled all the conditions prescribed for granting of temporary/permanent/recognition/affiliation, if not the conditions yet to be satisfied shall be indicated.
21. Whether the educational agency is agreeable to abide by the rules and regulations prescribed for granting of temporary/permanent recognition/affiliation and other rule made under various provisions of Andhra Pradesh Education Act, 1982.

DECLARATION

On behalf of the educational agency of the institution I..... son/daughter/wife of..... do hereby declare that the rules and departmental orders have been fulfilled I also declare that we shall abide by the conditions, rules of recognition/affiliation and also other relevant provisions of the Andhra Pradesh Education Act, 1982 (Act No. 1 of 1982) and the rules made thereunder.

I also declare that the particulars given above are correct to the best of my knowledge.

*Signature of the Secretary/
Correspondent/Manager of the Institution
(with stamp).*

FORM-IV

[Under Rule 9(3) (a)]

**Application for according of approval of appointments
made by the Educational Agencies.**

(Application must be accompanied with the Selection Committee Report)

1. Name of the institution with full address:
2. Date of establishment of the institution (copy of the order under which the institution has been established, has to be enclosed) :
3. Name of the educational agency managing the institution:
4. Is the educational agency a registered body: (certified copy of the registered deed has to be enclosed).
5. Name of the Secretary/Correspondent/ Manager of the institution:
6. List of teaching staff appointed indicating qualification, age and date of appointment of each candidate (separate statement of particulars can be furnished, if required).
7. List of non-teaching staff appointed indicating qualification, age and date of appointment of each candidate (separate statement of particulars can be furnished, if required).
8. Whether the staff appointed have any previous work experience, if so the details of each of them (separate statement of particulars can be furnished, if necessary).
9. Any other particulars the educational agency would like to furnish:

DECLARATION

On behalf of the educational agency managing the institution, I..... son / daughter/wife of..... do hereby declare that the particulars furnished above are correct to the best of my knowledge and belief and that I am prepared to under go any punishment that may be imposed on me if any of the particulars furnished are found to be false and misleading. I further declare that while making the appointments Government instructions have been strictly followed and I request you to approve the appointments whose particulars are furnished under items 6 and 7 above.

*Signature of Secretary/
Correspondent/Manager, (with stamp)*