

Assn. of Management of (Private) Colleges v. All India Council for Technical Education, (2013) 8 SCC

Education and Universities

All India Council for Technical Education Act, 1987

S. 2(g), S. 10(k) r/w Ss. 10(t) & (u) r/w S. 2(a) and Ss. 11, 12, 23 and 2(h) - Regulatory and inspection power of AICTE under Ss. 10 to 12 of AICTE Act vis--vis Universities and their constituent and affiliated colleges, including private aided and unaided colleges - Role of UGC in regard to technical education imparted by Universities and their constituent and affiliated colleges, including private aided and unaided colleges - Role of inspection and regulatory powers of AICTE vis--vis Universities and their constituent and affiliated colleges, including private aided and unaided colleges under Ss. 10 to 12, reiterated, is only advisory and recommendatory in the sense that AICTE can set standards of technical education, and if there is non-compliance therewith, AICTE can only bring the same to notice of UGC - AICTE cannot by itself enforce or issue any sanction to or penalise Universities or their constituent and affiliated colleges, including private aided and unaided colleges - Said power of AICTE is limited to the purpose of ensuring proper maintenance of norms and standards in technical education system and compliance therewith, but with no further or direct control over Universities and their constituent and affiliated colleges, including private aided and unaided colleges - AICTE does not have any power of direct action except bringing non-compliance to notice of UGC, which alone is competent to take action in regard thereto - AICTE Act does not override UGC Act - While enacting AICTE Act, Parliament was fully alive to existence of provisions of UGC Act - Parliament consciously and deliberately made specific mention of university, wherever and whenever AICTE alone was expected to interact with a university and its departments as well as constituent institutions and units, including private aided and unaided colleges - AICTE Act does not belittle and destroy authority or autonomy of other statutory bodies like UGC - AICTE Act does not intend AICTE to be an authority either superior or to supervise or control the Universities and thereby superimpose itself upon said Universities merely for the reason that it is laying down certain teaching standards in technical education or programmes formulated in any of the department or units of universities, (2013) 8 SCC 271-A

Education and Universities

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S. 2(g), S. 10(k) r/w Ss. 10(t) & (u) r/w S. 2(a) and Ss. 11, 12, 23, 24 and 2(h) - Ambit and nature of control, powers and functions of AICTE - Explained in detail, (2013) 8 SCC 271-B

Education and Universities

Technical Education

Universities, their constituent units and private colleges affiliated to Universities like appellants - MCA and MBA courses being run therein - Approval of AICTE and compliance with AICTE Guidelines for intake of students, held, not required by Universities or their constituent and affiliated colleges, including private aided and unaided colleges conducting said courses, though they are all bound to comply with standards of technical education laid down by AICTE for MCA courses (but not MBA courses) - Approval of AICTE under S. 10(k), AICTE Act and compliance with AICTE Guidelines is not required for private colleges affiliated to Universities even if said colleges are conducting MCA and MBA courses (and MBA as such is not even a technical course though MCA is) - Definition of technical institution in S. 2(g), AICTE Act excludes not only Universities and its constituent units but also private colleges affiliated to such Universities - Appeals of appellant private affiliated Colleges conducting MCA and MBA courses, therefore, allowed - Held, appellants are not required to seek AICTE approval or comply with AICTE sanctions and appellant private Colleges would be governed and regulated by their respective Universities and UGC, (2013) 8 SCC 271-C

Education and Universities

University Grants Commission Act, 1956

Ss. 12-A, 12, 13, 14, 10, 2(f) to 2(i) and 3 - Status of affiliated private colleges vis--vis constituent colleges of University - Held, affiliated private colleges are part of the Universities and are governed by UGC - A careful reading of Ss. 12-A(2)(c), 12-A(3) to 12-A(5), 2(f) and 3 of the UGC Act and S. 2(h) of the AICTE Act makes it abundantly clear that affiliated colleges are part of the Universities and exclusion of university in definition of technical institution in S. 2(h) of AICTE Act must be extended to colleges affiliated to University also, otherwise, object and purpose of UGC Act enacted

by Parliament will be defeated - Therefore, affidavit of UGC that they have no control over affiliated private colleges as distinguished from a university's constituent colleges is mechanical and without any factual foundations and therefore, is rejected, (2013) 8 SCC 271-D

Education and Universities

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Ss. 2(g) & (h) - Term technical education under S. 2(g) and meaning of technology generally, held, covers MCA courses but not MBA courses - Further held, though MCA comes within the definition of technology, still role of AICTE in respect of private colleges affiliated to Universities is only advisory, (2013) 8 SCC 271-E

Administrative Law

Subordinate/Delegated Legislation

2000 amendment of 1994 AICTE Regulations not laid before Parliament as required by S. 24, AICTE Act (parent Act) - Therefore, said amendment, held, ultra vires, (2013) 8 SCC 271-F