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**Immediate
By Speed Post**

**Government of Orissa
Department of Higher Education**

No.IV.HEPR-1/07.
From

18263 (6) /HE., Dated, 12/04/07

Shri C. Mallick, OAS(I)(SB)
Deputy Secretary to Government

To

The Director, Higher Education, Orissa, Bhubaneswar/
Regional Directors of Education, Bhubaneswar/
Sambalpur/Berhampur/
Vice Chancellor, Shree Jagannath Sanskrit University, Puri/
Chairman, Council of Higher Secondary Education, Orissa,
Bhubaneswar.

Sub: Proceeding of High Power Committee Meeting held on 11.04.2007.

Sir,

I am directed to enclose herewith copies of proceeding of High Power Committee Meeting held on 11.04.2007 and to request you to take immediate follow up action on the points and communicate the decisions taken in the said meeting to the appropriate quarters for necessary action under intimation to this Department.

This may be treated as Most Urgent.

Yours faithfully,

13/4/07

Deputy Secretary to Government

Memo No.

18264 (6) /HE., Dated, 12/04/07

Copy alongwith copies of proceeding forwarded to the P.S. to Commissioner-cum-Secretary/P.S. to Additional Secretary/Deputy Secretary (Sri C. Mallick)/Legal Cell /Finance Deptt./Law Department for information.

O/o R.D.E, BERHAMPUR

Memo No 796 Dtd. 20.4.07

13/4/07
Deputy Secretary to Government.

Copy alongwith HPE proceeding dtd. 11.4.07 communicated to +2/+3/Sanskrit sections & this DTE for immediate follow up action.

20.4.07

PROCEEDING OF THE MEETING OF HIGH POWER COMMITTEE CONSTITUTED VIDE GOVERNMENT NOTIFICATION NO. 15641/HE DATED 01.05.2004 HELD ON 11.04.2007 AT 3.00 P.M. IN THE OFFICE CHAMBER OF COMMISSIONER-CUM-SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION

1. A meeting of the High Power Committee constituted vide Government Notification No.15641/HE dated 01.05.2004 was held in the Office Chamber of Commissioner-cum-Secretary to consider the proposals for grant of permission/recognition under Section-5 and 6 of the Orissa Education Act, 1969. The list of members present in the meeting is given below:-

Members Present

1.	Commissioner-cum-Secretary to Government Higher Education Department	---	Chairman
2.	Vice Chancellor, Shree Jagannath Sanskrit University, Puri	---	Member
3.	Director, Higher Education	---	Member
4.	Sri R.K. Nanda, Joint Secretary to Government Law Department	---	Member
5.	Regional Director of Education, Bhubaneswar	---	Member
6.	Regional Director of Education, Sambalpur	---	Member
7.	Regional Director of Education, Berhampur	---	Member
8.	Deputy Secretary to Government, Higher Education Department	---	Convener

The Commissioner-cum-Secretary to Government, Department of Higher Education and the Chairman of the Committee initiating the discussion indicated that 13 proposals from Regional Directors of Education and Director, Higher Education relating to permission/recognition in favour of general and professional colleges have been received in the Department. It was decided to consider on priority the recognition cases of degree/professional colleges for which the students are to appear the ensuing University Examination After detailed discussion, the following decisions were taken.

2. Opening of New Colleges:

Altogether 2 proposals in respect of +2/+3 colleges for permission which were received from Regional Director of Education, Sambalpur. After detailed examination held in this regard ,

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the Committee decided to reject the proposals indicating reasons against each. The list of colleges rejected is placed at Annexure A.

It is seen that although it has been decided in High Power Committee in its meeting held on 28.03.2007, while inspecting the college for purpose of opening permission, the Regional Directors of Education / Director , Higher Education (in case of Professional Colleges) should meet the promoters of the educational agency. But the Regional Directors of Education while recommending such proposals are not following the observations stipulated in the meeting. Hence once again it is emphasized that the Regional Directors of Education / Director of Higher Education should meet the promoters and ensure that unscrupulous persons do not open shops/coaching centres in the name of college.

3. Permanent Recognition to +3 Colleges:

Only two proposals in respect of +3 colleges received from Regional Directors of Education, Bhubaneswar which were reviewed and deferred in High Power Committee Meeting held on 05.04.2007 were discussed. After detailed examination and discussion made in this regard, the Committee decided to allow one case and another case was rejected indicating the reasons against the college. The list of cases allowed/rejected is at Annexure-B.

During discussion it has been decided that +3 colleges whose permanent recognition are deferred/rejected due to deficiency in fulfilling the conditions as per provision under Section-6(A) of Orissa Education Act, 1969 and students are to appear in the ensuing University Examination, they may appear in examination through Distance Education Directorate of the university. Hence Director, Higher Education/Regional Directors of Education are directed to request authorities of Universities accordingly. Further it is indicated that the proposal for grant of permanent recognition of Dharmasala Mahila Mahavidyalaya, Jajpur and Barapada Mahavidyalaya, Kendrapara was deferred due to deficiency of information pointed out in High Power Committee Meeting held on 18.01.2007 and the students are to appear in ensuing University Examination. In the above two cases , the Regional Director of Education, Bhubaneswar is directed to request the University authority to allow the students to appear in examination through Distance Education Directorate. All these colleges may be informed accordingly .

4. Opening of New Stream:

Altogether 03 proposals for opening of new stream in respect of +2 colleges received from Regional Directors of Education were discussed. After detailed discussion , the Committee decided to allow all cases as at Annexure-C.

5. Opening of New Subjects in +3 Colleges:

The Department had received 03 proposals for opening of new subject in respect of +3 colleges. After detailed discussion the Committee decided to allow all cases placed at Annexure-D.

6. Increase of Seats:

The proposals for increase of seats from 64 to 128 seats in +3 Arts of T.S.D. College, B.D.Pur, Ganjam was rejected as the position of appearance of students in the examination is very poor. Opening of Hons. in Oriya with 8 seats in respect of T.S.D. College, B.D.Pur was allowed.

7. Professional Colleges:

Altogether 2 proposals were received from Director, Higher Education in respect of Private Professional Institutions. After detailed examination, the Committee decided to allow one case and rejected the other indicating reasons against the college. It is decided that the Director, Higher Education will request Berhampur University to take necessary steps for allowing the students in the University Examination through Distance Education Directorate if permissible. The list of colleges allowed/ rejected is at Annexure-E.

8. General:

- a) The Committee further decided that the educational institutions (+2/+3/Professional) who were accorded permission in the K.B.K. and other scheduled areas, their pledge amount and deposit amount in shape of Bank deposit will be half of that of other educational institutions situated in other areas. This decision relating to educational institution in K.B.K. and other schedules areas will be implemented only after taking Government order.
- b) The Committee also decided that the exact extent of land held by an educational institution may be ascertained with the concerned Tahasildar by Regional Directors of Education/Director, Higher Education in case there is any doubt about the ROR.
- c) **Director . HE (in case of Professional Colleges) and RDEs were advised to inform the College about acquisition of land and progress of civil construction as decided in HPC meeting dated 28.03.2007 (para 2 of the said proceeding) . They should also instruct the Colleges about constitution of G.B well in time . Further , the Colleges not having permanent recognition after 7th year should be advised not to admit students without getting permanent recognition.**



Commissioner-cum-Secretary to Government
Higher Education Department

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ANNEXURE - APERMISSION FOR OPENING OF NEW COLLEGES

Sl. No.	Name of the College with Address	Purpose with sanctioned strength approved by the Committee	Remarks
1	2	3	4
+2 College			
1.	Om Maa Saraswati Institute of Science & Technology, Rajgangpur, Sundargarh	+2 Science with 128 seats from the session 2007-08	Rejected. a) R.D.E. has not met the promoters of educational agency. b) Seats are available in nearby colleges. c) No educational need for the area.
+3 College			
1.	Panchayat Samiti Science & Arts College, Bhedabahal	+3 Science with 64 seats from the session 2007-08.	Rejected. a) R.D.E. has not met the promoters of educational agency. b) Seats are available in nearby colleges. c) No educational need for the area.

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ANNEXURE – BGRANT OF PERMANENT RECOGNITION TO +3 COLLEGES

Sl. No.	Name of the College with Address	Purpose with sanctioned strength approved by the Committee	Remarks
1	2	3	4
1.	Kalyanpur College, Kalyanpur, Puri	Grant of permanent recognition to +3 Arts with 96 seats from the Session 2006-07.	<p>Rejected on the following grounds</p> <p>a) The college has not got adequate land (5 acres as required by the University for affiliation) in the name of college.</p> <p>b) G.B. is not constituted as per Orissa Education (Establishment , Recognition and Management of Private Colleges) Rules , 1991 .</p> <p>The committee considered the case at this late stage in the interest of the innocent students who took admission in the college. In this connection, the committee took note of the recent judgment of Hon'ble Supreme Court in Civil Appeal No.4908/2006 "Minor Sunil Oraon Tr. Guardian and other – vrs- C.B.S.E. and others". This recent judgment was downloaded from www.judis.nic.in. Hon'ble Justice Arjit Pasayat and Hon'ble Justice Lokeswar Singh Panta have observed at para-12 of the judgment as follows:-</p> <p>“Time and again, therefore, this Court had deprecated the practice of educational institution admitting the students without requisite recognition or affiliation. In all such cases the usual plea is the career of the innocent children who have fallen in the hands of the mischievous designated school authorities. As the factual scenario delineated against goes to show the school</p>

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has shown scant regards to the requirements for affiliation and as rightly highlighted by learned counsel for the C.B.S.E., the infraction was of very serious nature. Though the ultimate victims are innocent students that cannot be ground for granting relief to the appellant. Even after filing the undertakings, the School non-challantly continued the violations.

Students have suffered because of the objectionable conduct of the school. It shall be open to them to seek such remedy against School as is available in law, about which aspect we express no opinion.”

In this case also, the Committee was of the opinion that the College authority has not been careful in giving proper documents in time. Though more than seven years have passed, they have not got 5 acres of land in the name of the College as yet. After permanent recognition of the college, the college will apply for permanent affiliation with the University for which 5 acres of land in rural area or 2 acres of land in urban area is necessary. Similarly, the G.B of the College has not been constituted as per Rules as yet.

Though the ultimate victims will be the innocent students, that cannot be a ground for giving permanent recognition without adequate land and duly constituted G.B. of the College.

The college authorities shall be directed not to admit students from the session 2007-08 without permanent recognition of the College. More students will be inconvenienced if the students are admitted without permanent

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			<p>recognition of the college.</p> <p>As the existing students may face problems in appearing in the University examination now because of the negligence of the educational agency , the College authority may be advised to approach the Distance Education Directorate of the University in this regard. RDE should also request the University to allow the students to appear in the Examination through Distance Education Directorate , if permissible at this stage.</p>
2.	Astarang College, Astarang, Puri	Grant of permanent recognition to +3 Arts with 64 seats for the Session 2006-07.	<p>a) Allowed 7th temporary recognition for the session 2006-07 as the first temporary recognition was given in the year 2000-01.</p> <p>b) Not to admit students from the session 2007-08 unless adequate land is in the name of College.</p> <p>c) RDE to issue G.B. approval first (the proposal is said to have been received by RDE and the proposal is certified by him to be in order) and then issue recognition order.</p>





ANNEXURE – CGRANT OF PERMISSION FOR OPENING OF NEW STREAM IN +2 COLLEGES

Sl. No.	Name of the College with Address	Purpose with sanctioned strength approved by the Committee	Remarks
1	2	3	4
1.	P.S. College, Komna, Nuapada	+2 Science (PCMB) with 64 seats and additional optional subject IT with 32 seats from the session 2007-08.	Allowed from 2007-08 subject to creation of adequate Lab & Computer facility.
1.	Kishorenagar College, Kishorenagar, Angul	+2 Commerce with 64 seats with all subjects as per syllabus from the session 2007-08.	Allowed from the session 2007-08.
2.	Institute of Professional Studies & Research (IPSAR), CDA, Cuttack.	+2 Commerce with 96 seats with all subjects as per syllabus from the 2007-08.	Allowed from the session 2007-08. a) Computer facility is to be provided if IT optional is opened.

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ANNEXURE - DGRANT OF PERMISSION FOR OPENING OF NEW SUBJECT IN +2 COLLEGES

Sl. No.	Name of the College with Address	Purpose with sanctioned strength approved by the Committee	Remarks
1	2	3	4
1.	Kansbahal College, Laing, Sundargarh	Permission to open optional subject I.T. with 128 seats in +2 Arts from the session 2007-08.	Allowed from 2007-08 subject to creation of adequate Computer Laboratory facility.
2.	N.S.B. College, Tumadibandha, Kandhamala	Permission to open optional subject I.T. with 48 seats in +2 Arts from the session 2007-08.	Allowed from 2007-08 subject to creation of adequate Computer Laboratory facility.
3.	T.D.S. College, B.D.Pur, Ganjam	Permission to open I.T. with 64 seats in +2 Arts & Science from the session 2007-08.	Allowed from 2007-08 subject to creation of adequate Computer Laboratory facility.

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ANNEXURE - EPERMISSION/RECOGNITION GRANTED TO PROFESSIONAL COLLEGES

Sl. No.	Name of the Institution	Course allowed with Seats	Remarks
1	2	3	4
1.	Binayak Institute of Computer and Management, Ramnagar, Berhampur.	Grant of permanent recognition to BCA Course with 60 seats from the session 2006-07.	<p>This case was discussed because of urgency on the basis of documents produced by Director, HE at the meeting itself as the students of the College are to appear in the University examination soon.</p> <p>a) It was found from documents that a named Binayak Educational Trust (executed on 9th April, 2007) has allowed the use of buildings situated in a plot of land at Berhampur Municipality for the institute. The size of the plot is 39 ft x 65 ft which is much less than minimum 2 acres of land required in urban area. For subsequent affiliation of Berhampur University, minimum 2 acres of land in urban area or 5 acres of land in rural area is required. The College has also furnished a copy of ROR in some other village having an area of 2.152 acres. This plot of land is situated in a different village than the village in which the present building is said to have been existing. Director, HE was not able to explain this discrepancy. Since this was a case of permanent recognition, this position of land and building was not acceptable to the Committee.</p> <p>b) It was also found from records submitted that there was no temporary University affiliation of the college from the year 2001-02 to 2005-06. It was, therefore, not clear how the students were appearing in the examinations during these years.</p> <p>c) It was also seen that though the College had been permitted to open both BBA and BCA courses, it has opened only BCA course.</p> <p>In view of the above position, the permanent recognition of the College was rejected. The College should be</p>

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instructed not to admit students from the session 2007-08 without obtaining permanent recognition as more students will be inconvenienced further .

d) The committee considered the case at this late stage on the documents produced by Director , HE at the meeting itself in the interest of the innocent students who took admission in the college. In this connection, the committee took note of the recent judgment of **Hon'ble Supreme Court in Civil Appeal No.4908/2006 "Minor Sunil Oraon Tr. Guardian and other -vrs- C.B.S.E. and others"**. This recent judgment was downloaded from www.judis.nic.in. Hon'ble Justice Arjit Pasayat and Hon'ble Justice Lokeswar Singh Panta have observed at para-12 of the judgment as follows:-

"Time and again, therefore, this Court had deprecated the practice of educational institution admitting the students without requisite recognition or affiliation. In all such cases the usual plea is the career of the innocent children who have fallen in the hands of the mischievous designated school authorities. As the factual scenario delineated against goes to show the school has shown scant regards to the requirements for affiliation and as rightly highlighted by learned counsel for the C.B.S.E., the infraction was of very serious nature. Though the ultimate victims are innocent students that cannot be ground for granting relief to the appellant. Even after filing the undertakings, the School non-challantly continued the violations.

Students have suffered because of the objectionable

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		<p>conduct of the school. It shall be open to them to seek such remedy against School as is available in law, about which aspect we express no opinion."</p> <p>In this case also, the Committee was of the opinion that the College authorities have not been careful in giving proper documents in time. Though more than seven years have passed, the institute has not arranged adequate land and building as yet. A professional college cannot be allowed to run like a shop or a coaching centre without minimum infrastructure for years together. The State Government has allowed seven years of time for a college to acquire minimum infrastructure. This condition has not been fulfilled by the College as yet.</p> <p>e) Though the ultimate victims will be the innocent students, that cannot be a ground for giving permanent recognition without adequate land and building on its own land.</p> <p>As the existing students may face problems in appearing in the University examination now because of the negligence of the educational agency, the College authority may be advised to approach the Distance Education Directorate of the University in this regard. DHE should also request the University to allow the students to appear in the Examination through Distance Education Directorate, if permissible at this stage.</p>
2.	Lokanath Institute of Science and Technology, Balasore	<p>Grant of 1st Temporary Recognition to B.Sc. Hons. Bio-Tech with 60 seats from the session 2006-07.</p> <p>a) D.H.E. has visited and recommended. b) Allowed. c) DHE to issue G.B. approval first (the proposal is said to have been received by DHE and the proposal is certified by him to be in order)</p>

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			<p>and then issue recognition order.</p> <p>d) The college authority shall purchase minimum 2 acres of land in urban area or 5 acres of land in rural area and construct building thereon immediately.</p> <p>e) University authority should be asked to check laboratory facility, library facility and quality of teaching faculty before giving affiliation.</p>
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