

H. 2-2007
9.3.2007

Immediate
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Government of Orissa
Department of Higher Education

No. IV. HE. PR-1/07- 14076 (5) / HE., Dt. 1.3.07

From

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, Bhubaneswar.

Sub: Proceeding of meeting of High Power Committee
held on 14.2.2007.

Sir,

I am directed to enclose herewith copies of proceedings
of the High Power Committee Meeting held on 14.2.2007 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,

C. Mallick
Deputy Secretary to Government.

Memo No. 14077 (6) / HE., Dt. 1.3.07

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

10/2
O/o R. D. E, BERHAMPUR
C. Mallick
Deputy Secretary to Government.

Bns/1.3. Memo No 434 / Dtd. 12.3.07
Copy alongwith HPC Proceedings dtd 14.2.2007 communicated
to Sri Ranjit Mohanty, JA (+2 Sec) / Sr. B.R. Patra, Sr Asst. (+3 Sec) /
Sri S.N. Sukla, Jr Asst (Sr Sec) for information & immediate
necessary action.

H. 2-2007
12.3.2007
R. D. E 1/2

**PROCEEDING OF THE MEETING OF HIGH POWER COMMITTEE
CONSTITUTED VIDE GOVERNMENT NOTIFICATION NO. 15641/HE
DATED 01.05.2004 HELD ON 14.02.2007 AT 11.00 A.M. IN THE
CONFERENCE HALL OF THE HIGHER EDUCATION DEPARTMENT**

1. A meeting of the High Power Committee constituted vide Government Notification No.15641/HE dated 01.05.2004 was held in the Conference Hall of the Higher Education Department under the Chairmanship 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. | Joint Secretary to Government
Law Department | --- | Member |
| 3. | Chairman,
Council of Higher Secondary Education | --- | Member |
| 4. | Regional Director of Education,
Bhubaneswar | --- | Member |
| 5. | Regional Director of Education,
Sambalpur | --- | Member |
| 6. | Regional Director of Education,
Berhampur | --- | Member |
| 7. | 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 intimated that 70 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. After detailed discussion, the following decisions were taken.

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2. Opening of New Colleges:

Altogether 14 proposals were received for permission to open new colleges recommended by Regional Directors of Education. The Committee after discussion decided to defer all cases to the next meeting. Director, H.E and R.D.Es were informed that Govt. has ordered to dispose of all permission cases for the academic year 2007-08 by March, 2007. They were instructed to complete the inspection of the pending cases as soon as possible in the light of the decisions taken in the meeting of HPC dated 06.12.2006 and 11.12.2006.

3. Permanent Recognition to +2 & +3 Colleges:

Only six proposals were received from Regional Directors of Education for grant of permanent recognition in respect of +2 colleges. After detailed examination and discussion made in this regard, the Committee decided to reject five cases indicating the reasons against each case and one proposal was deferred. The list of cases rejected/deferred is placed at Annexure-A.

4. Temporary Recognition to +2 & +3 Colleges:

The Department had received a total of six proposals for grant of temporary recognition out of which 5 for +2 and 1 for +3 colleges. After detailed discussion, the Committee decided to allow temporary recognition in respect of 3 (+2) colleges and 1 (+3) college and proposals of 2 (+2) colleges were deferred. The list of cases allowed/deferred is placed at Annexure-B.

5. Increase of Seats:

Altogether 11 proposals were received from Regional Directors of Education for increase of seats, i.e. 8 for +2 and 3 for +3 colleges. After detailed discussion held in this regard, the Committee deferred ten cases. Proposal for increase of seats in Biology in +2 Science from 64 to 112 in respect of Bharati Pati Mahavidyalaya, Samantiapalli, Ganjam was allowed from the session 2006-07.

6. Opening of Honours Subjects:

Proposals for opening of Hons. in specific subjects from 4 (+3) colleges were received through Regional Directors of Education for consideration. After detailed discussions, the Committee decided to defer all cases to the next meeting.

Accepted
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R. S. S. S. S.

7. Opening of New Subjects:

A total of 10 proposals for opening of new subjects, i.e. 6 for (+2) and 4 for (+3) colleges were taken up for consideration. After detailed discussion, the Committee decided to defer all proposals to the next H.P.C. Meeting.

8. Opening of New Stream:

Only two proposals, i.e. one for (+2) and one for (+3) colleges were received from Regional Directors of Education. After discussion, the Committee decided to defer the proposals to next meeting.

9. Permanent Recognition to Sanskrit Colleges:

Six proposals for grant of permanent recognition to Sanskrit Colleges received from Regional Directors of Education were taken up for consideration. The committee after discussion decided to defer all cases to the next meeting with instruction to Regional Directors of Education to submit proposals in conformity with the provisions of Orissa Education Act, 1969.

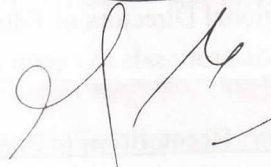
10. Professional Colleges:

Altogether 11 proposals were received from Director, Higher Education in respect of Private Professional Institutions. Since the Director, Higher Education who is prescribed authority in respect of Professional Courses was not present in the meeting, the proposals could not be considered and it was decided to defer.

11. General:

- a) All Regional Directors of Education are requested to furnish their enquiry report in the prescribed format as adopted by the Regional Director of Education, Berhampur.
- b) The enquiry report should contain the enrollment and pass-out figure in the examination, year of Permission, 1st recognition, years of subsequent recognition, year of 1st affiliation and years of subsequent affiliation in detail.
- c) Photo and Video C.D and other information should be submitted with proposals.
- d) In the next meeting the Director/Regional Directors of Education should be accompanied by concerned Deputy Director to explain the position of concerned colleges in the meeting.

e) The powers delegated to Regional Directors of Education for change of subject of a college, grant of renewal of recognition to new stream and new college etc. by the HPC in earlier meetings was decided to be withdrawn as different Regional Directors are interpreting the same differently and this may give rise to legal problems later . They should submit such proposals to High Power Committee henceforth for consideration. However , the Regional Directors were requested to submit specific proposals for delegation to HPC for consideration .



Commissioner-cum-Secretary to Government
Higher Education Department

Received

29/10/20

K. Subodhi



ANNEXURE - A

LIST OF PERMANENT RECOGNITION TO +2 & +3 COLLEGES

Sl. No.	Name of the College with Address	Purpose with sanctioned strength approved by the Committee	Remarks
1	2	3	4
1.	K.P.A.N. College, Bankoi, Khurda	Grant of permanent recognition to +2 Arts with 128 seats, +2 Science with 64 seats and +2 Commerce with 64 seats from the Session 2006-07.	<p><u>1.</u> As per information placed before the Committee, 1st temporary recognition was granted to +2 Science & Commerce from the academic session 1990-91 and 1st temporary recognition to +2 Arts was granted from the academic session 1991-92. The temporary recognition for the 5th year to +2 Arts was granted during 1995-96 and to +2 Science & +2 Commerce during 1994-95.</p> <p>Section 6(9) of the Orissa Education Act, 1969 provides that "where a private educational institution has not fulfilled the conditions for recognition in regard to land, building and furniture but the Committee is satisfied that it has made reasonable adequate provisions for accommodation and imparting education, it may decide to grant temporary recognition for a period not exceeding one year at a time and not exceeding five years in aggregate. The application for extension of temporary recognition, shall be made and considered in the same manner as an application for recognition and no extension of temporary recognition shall be granted unless the Committee is satisfied that applicant has taken reasonable measures to fulfill the conditions for recognition and that there has been no deterioration in the standard of facilities during the year for which temporary recognition was granted.</p> <p>Provided that in computing the total period for which a private educational institution may be eligible for grant of temporary recognition, the number of years for which temporary recognition has been granted prior to the commencement of the Orissa Education (Amendment) Act, 1994 shall be taken into account.</p> <p>Provided further that any private educational institution which has received temporary recognition for a period of 4 years or more prior to the date of commencement of the Orissa Education (Amendment) Act, 1994 but has not been recognized may be granted temporary recognition for a period not exceeding one year at a time and two years in the aggregate after commencement of the Orissa Education (Amendment) Act, 1994, so as to enable such institution to fulfill all conditions for recognition."</p> <p>Hence the educational institution was required to be recognized permanently by 1995-96 for +2 Science and Commerce wings and by 1996-97 for +2 Arts. It is seen that the institution had applied for permanent recognition on</p>

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24.12.1996 from the year 1995-96. It had again applied on 30.07.1998 for permanent recognition from 1995-96. Apparently, this had not been allowed because of non-creation of infrastructural facilities as envisaged under the Act. As the lawmakers had envisaged that the private educational institutions should create necessary infrastructural facilities within a period of 5 years, its application for permanent recognition should have been rejected outright.

2. As per the provisions of Section-6 (9) of the Orissa Education (Amendment) Act, 2000, "a private educational institution, which has received temporary recognition for a period of 5 years or more prior to the commencement of the said amendment Act, but not recognized may be granted temporary recognition for a period not exceeding one year at a time and two years in aggregate after such commencement so as to enable the institution to fulfill all the conditions for recognition." This was notified on 29th March, 2001. The educational institution was not eligible to get the relaxation under this Amendment Act as it had completed more than ten years by then.

3. In spite of the above provisions under law, it is surprising to find that last temporary recognition was allowed in respect of the above streams till 2002-03 which was beyond 5th year. This was against the provisions of Section 6(9) of Orissa Education Act, 1969.

4. It is further seen that conditional permanent recognition was granted for 2 years from 2003-04 subject to the condition to improve results as well as enrolment position during next two years. It was not clear from the recommendations of the Committee if it had got the infrastructural facilities by then and how the case was considered for permanent recognition after seven years of temporary recognition. This was against the provisions under Section 6(9) of O.E Act, 1969.

5. The Committee now 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 & Others Vrs C.B.S.E. and others.) This recent Judgement was downloaded from www. judis.nic.in. Hon'ble Justice Arjit Pasayat and Hon'ble Justice Lokeswar Singh Pant have observed at Para-12 of the Judgement 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 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

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ANNEXURE - B
GRANT OF TEMPORARY RECOGNITION TO +2 & +3 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.	Resham Science College, Bhubaneswar	Grant of 1st temporary recognition to +2 Science with 128 seats for the Session 2006-07.	Governing Body is not constituted. Hence Deferred till the G.B is constituted .
2.	Subash Science College, Bhubaneswar.	Grant of 1st temporary recognition to +2 Science with 128 seats for the Session 2006-07.	Governing Body is not constituted. Hence Deferred till the G.B is constituted
3.	Sri Satya Sai College for Women, Bhubaneswar	Grant of 1st temporary recognition to +2 Science with 128 seats for the Session 2005-06.	1st temporary recognition has already been granted vide H.P.C. Meeting held on 06 & 11.12.2006. The college authority shall constitute separate Governing Body and the +2 Science College should have a separate name.RDE to ensure
4.	Saraswati +2 Science College, Bhawanipatna, Kalahandi.	Grant of 1st temporary recognition to +2 Science with 128 seats for the Session 2006-07.	Allowed for 2006-07 only. The college authority shall purchase minimum two acres of land in urban area and five acres of land in rural area and construct building thereon immediately.
5.	Sushree Junior Science College, Sadeipali, Bolangir.	Grant of 1st temporary recognition to +2 Science with 64 seats for the Session 2006-07.	Allowed for 2006-07 only. The college authority shall purchase minimum two acres of land in urban area and five acres of land in rural area and construct building thereon immediately.
+3 College			
1.	Radheshyam Anchalika Degree College, Bilaisarda, Bolangir	Grant of temporary recognition to +3 Arts with 64 seats for the Session 2005-06.	1st temporary Recognition = 2000-01. 6th year Recognition = 2005-06 allowed The college authority must construct building before 2007-08.

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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 a 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.”

6. The Committee found that the educational agency should have created all infrastructural facilities and got permanent recognition for the College just after 5 years i.e. by 1995-96 for +2 Science and Commerce and by 1996-97 for +2 Arts. However, they have been allowed temporary recognition beyond 1995-96 and 1996-97 and then conditional permanent recognition during 2003-04 against the provisions of law.

7. After the amendment of such Sub section-9 of Section-6 of the Orissa Education Act, 1969, which was notified on 29th March, 2001, a private educational institution was to get permanent recognition within a period of seven years. By the time, the above amendment came into force on 29th March, 2001, the above institution had already completed 10 years in respect of +2 Science and Commerce wing and 9 years for +2 Arts wing. The institution was not eligible to get any more concession after the notification of the Orissa Education (Amendment) Act, 2000 on 29th March, 2001.

8. The educational agency failed to comply the conditions laid down in the Statute under Sub-section-9 of Section-6 of the Orissa Education Amendment Act, 2000 and hence, the question of grant of permanent recognition to the educational institution after 15 years for +2 Science , Arts & Commerce does not arise and it is , therefore, rejected.

2. Bhandaripokhari Mahavidyalaya, Bhandaripokhari, Bhadrak	Grant of permanent recognition to +2 Arts with 128 seats from the Session 2005-06.	<p><u>1.</u> 1st temporary Recognition given from 1993-94. Renewal of temporary recognition allowed till 2002-03.</p> <p><u>2.</u> 7th year Recognition during 2000-01</p> <p>1st affiliation during 1993-94. No further affiliation obtained.</p> <p><u>3.</u> Conditional permanent recognition from 2003-04 with a condition to improve enrollment and result for next two years.</p> <p><u>4.</u> No recognition can be given beyond seven years.</p> <p><u>5.</u> In view of the analysis made in the case of K.P.A.N. college, Bankoi, Khurda above , the case of Bhandari Pokhari M.V., Bhandrai Pokhari, Bhadrak for permanent recognition is rejected.</p>
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3.	Dhyan Chandra College, Hajipur, Jagatsinghpur.	Grant of permanent recognition to +2 Arts with 128 seats from the Session 2006-07.	<p><u>1.</u> 1st temporary recognition given from 1993-94. Last temporary recognition till 2001-02.</p> <p><u>2.</u> 7th year temporary recognition during 1999-2000. 1st affiliation during 1993-94. No further affiliation received.</p> <p><u>3.</u> No recognition can be given beyond seven years.</p> <p><u>4.</u> In view of the analysis made in the case of K.P.A.N. college, Bankoi, Khurda above, the case of Dhyan Chandra College, Hajipur, Jagatsinghpur for permanent recognition is rejected.</p>
4.	Harapraha Mahavidyalaya Kalabadia, Mayurbhanj	Grant of permanent recognition to +2 Arts with 128 seats from the Session 2006-07.	<p><u>1.</u> 1st temporary recognition allowed from 1992-93. Renewal of Recognition allowed till 2002-03</p> <p><u>2.</u> 7th year Recognition during 1998-99. 1st affiliation during 1992-93. No further affiliation obtained.</p> <p><u>3.</u> No recognition can be given beyond seven years.</p> <p><u>4.</u> In view of the analysis made in the case of K.P.A.N. college, Bankoi, Khurda above, the case of Haraprabha Mahavidyalaya, Kalabadia, Mayurbhanj for permanent recognition is rejected.</p>
5.	Kapileswar Mahavidyalaya Duburi, Jajpur	Grant of permanent recognition to +2 Arts with 64 seats from the Session 2006-07.	<p><u>1.</u> 1st temporary Recognition allowed from 1999-2000. Renewal of Recognition allowed till 2005-06</p> <p><u>2.</u> 7th year Recognition during 2005-06. 1st affiliation = 1999-2000. No recognition can be given beyond seven years.</p> <p><u>3.</u> The college has no permanent building at present.</p> <p><u>4.</u> In view of the analysis made in the case of K.P.A.N. college, Bankoi, Khurda above, the case of Kapileswar Mahavidyalaya, Duburi, Jajpur for permanent recognition is rejected.</p>
6.	Manitra Science College, Manitra, Ganjam	Grant of permanent recognition to +2 Arts with 64 seats and +2 Science with 64 seats from the Session 2006-07.	<p>1st temporary Recognition = 1999-2000.</p> <p>7th year Recognition = 2005-06.</p> <p>No affiliation till date.</p> <p>Hence deferred for joint inspection of CHSE and RDE.</p>

K. Surobi

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