

CHAPTER VI

RECOGNITION OF EDUCATIONAL INSTITUTIONS, ETC

36. Recognition –

- (1) Recognition may be accorded to any educational institution registered under this Act in accordance with the provisions of this Act and the rules made there under.
- (2) The granting of recognition shall be subject to fulfillment of the following conditions, namely:-
 - (a) Security deposit of the prescribed amount shall be made within the time specified;
 - (b) the Governing Council shall possess or be assured of adequate funds to run the institution on a stable footing; and
 - (c) such other general or special conditions as may be prescribed in regard to accommodation, appointment of teaching and other staff, the code of conduct to be accepted and observed by the Governing Council, furniture and equipment, syllabi, text-books and such other matters relating thereto.
- (3) Any local authority or Governing Council seeking recognition, as the case may be, for a local authority institution or a private educational institution shall make an application to the competent authority furnishing such particulars and in such manner and accompanied by such fee as may be prescribed.
- (4) The competent authority after satisfying itself that the application is in accordance with the rules, may dispose the application in accordance with sub-sections (6) to (8), or if deemed necessary forward the application to the expert body for obtaining its report under clause (b) of sub-section (1) of section 37.
- (5) The expert body receiving the application forwarded under sub-section (4) shall return it to the competent authority along with its report within such time as may be prescribed.
- (6) The competent authority, after considering the report, if any, received from the expert body and after holding such inspection or enquiry as it may deem necessary shall, by order, in writing –
 - (a) grant recognition, where the conditions for recognition applicable to such institutions are fulfilled; or
 - (b) grant approval provisionally subject to the fulfillment of the condition for recognition within a period specified or extended from time to time by such authority.

Provided that the educational institutions shall not admit any fresh batch of students during the period of such provisional approval.

- (7) If a period is specified or extended under sub-clause (b) of sub-section (6), the competent authority may immediately after the expiry of such period, obtain from the expert body, a report or a further report under section 37. The competent authority, after considering the report or the further report, if any, and holding such inspection or enquiry as may be deemed necessary shall, by order in writing grant recognition where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing, refuse recognition where such conditions are not fulfilled;

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

- (8) Every order of grant or refusal of recognition passed under this section shall be communicated to the registering authority and to the applicant.

37. Expert body-

- (1) The state government shall subject to such rules, as may be prescribed, constitute such number of bodies of experts as may be deemed necessary-
 - (a) to consider the need for providing educational facilities to the people in the locality or for the type of education;

- (b) to consider whether the special conditions, if any, for recognition applicable to any institution have been fulfilled by such institution;
 - (c) to recommend to the State government from time to time, modifications or changes in the conditions for recognition; and
 - (d) to make recommendations to the State Government or the competent authority on such other matters as may be referred to it by the State Government or the competent authority.
- (2) The board of experts constituted under sub-section (1) shall in accordance with the rules prescribed there under submit its report or further report to the competent authority or the State Government, as the case may be.

38. Recognition of existing institution, etc – (1) Notwithstanding anything contained in section 36

- (a) educational institutions established and run by the State Government or by any authority sponsored by the Central or State Government or by a local authority and approved by the competent authority in accordance with such conditions as may be prescribed shall be deemed to be educational institutions recognized under this Act;
 - (b) all educational institutions or any local authority institutions other than those specified in clause (a) imparting education, which are established and recognized in accordance with rules in force immediately before the commencement of this Act and in existence at such commencement shall be deemed to be educational institutions established and recognized under this Act, provided they comply with the provisions of this Act and the rules made there under within such period and in accordance with such procedure as may be prescribed.
- (2) Any private educational institution imparting education which is in existence at the commencement of this Act but which has not been recognized in accordance with the rules in force immediately before such commencement shall discontinue to impart education from such commencement, unless within sixty days of such commencement, an application for recognition is made, in accordance with the provisions of this Act and the rules made there under and every such application shall be disposed of within sixty days of its receipt by the competent authority. No person shall run any such institution after the application for recognition is rejected.

39. Withdrawal of recognition – (1) Where any local authority or the Governing Council of any private educational institution-

- (a) fails to fulfill all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers;
- (b) denies admission to any citizen on ground of religion, race, caste, language or any of them;
- (c) directly or indirectly encourages in the educational institution any propaganda or practice wounding the religious feelings of any class of citizens of India or insulting religion or the religious belief of the class;
- (d) employs or continues to employ any teacher whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit or undesirable to be a teacher or authority terminates the services of a teacher or fails to comply with the orders of the competent authority in this regard;
- (e) fails to remedy the defects in the instruction or accommodation or deficiencies in the management or discipline within such time as may be specified therefore by the competent authority;
- (f) contravenes any of the provisions of this Act, the rules and orders made there under, the competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other action as is deemed necessary, after giving to the local authority or as the case may be, the Governing Council an opportunity of making its representation against such withdrawal or action.

- (2) Where the State Government is of the opinion that the recognition granted to any local authority institution or private educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.
- (3) Notwithstanding anything contained in any other law for the time being in force, no educational institution which has not been recognized, or the recognition of which been withdrawn under this Act shall be entitled to –
 - (a) receive any grant-in-aid from the State funds or other financial assistance or other facilities from the Government;
 - (b) send up or present candidates for examinations in courses of study conducted by a University or the Government.