



MBA, MCA courses: SC rejects AICTE appeal

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The Supreme Court has reject an appeal by AICTE to conduct MBA, MCA courses. (IE Photo)

The Supreme Court has found no merit in an appeal by the All-India Council for Technical Education (AICTE) against a verdict that colleges affiliated to a university were not obliged to take separate permission from it for conducting MBA and MCA courses.

"We have considered the averments in the review petitions. Having regard to the facts and issues involved, in our opinion, no case for review is made out. There is no error in the impugned order. Hence, the review petitions are dismissed," said a Bench of Justices B S Chauhan and V Gopala Gowda as it dismissed the AICTE's review petition.

In its April order, the Bench had ruled that MBA was not a technical course. Although MCA was a technical course, the court said, role of AICTE for its regulation could be advisory only.

"The AICTE Act does not intend (the council) to be an authority either superior or to supervise or control universities and thereby superimpose itself upon them merely for the reason that it is laying down certain teaching standards in technical education or programmes formulated in any of the department of units," the court had noted.

Writing the judgment, Justice Gowda had said: "The role of AICTE vis-à-vis universities is only advisory, recommendatory and one of providing guidance and (it) has no authority to issue or enforce any sanction by itself."

The Bench said it was the University Grants Commission which had been given the power to regulate universities in relation to granting sanction/approval, maintaining educational standards and overseeing the fee structure including admissions to various courses offered by them, their institutions, constituent colleges, units and affiliated colleges.

The AICTE however had decided to file a review petition against this order, claiming it had been trying to bring in transparency in matters of recognition of technical programmes, run by various colleges and institutes, over several years now and so they would not want this exercise to go in vain.

SC dismisses AICTE review appeal

29 July 2013

The Supreme Court has dismissed the review petitions made by the AICTE seeking to revoke the verdict that the MBA is not under its purview

The Supreme Court has dismissed the review petitions made by the AICTE that sought to revoke a verdict that colleges affiliated to a university need not take separate permission from it for conducting MBA and MCA courses. The AICTE had filed a review petition stating that their efforts had been directed at transparency in matters of recognition of technical programmes, run by various colleges and institutes. The review would ensure that their work would not be for nothing

A Bench composed of Justices B S Chauhan and V Gopala Gowda stated "We have considered the averments in the review petitions. Having regard to the facts and issues involved, in our opinion, no case for review is made out. There is no error in the impugned order. Hence, the review petitions are dismissed".

The verdict had been passed in April where the Bench declared that MBA was not a technical course and that though the MCA was a technical course the AICTE only had an advisory role in its regulation.

The court had then stated "The AICTE Act does not intend (the council) to be an authority either superior or to supervise or control universities and thereby superimpose itself upon them merely for the reason that it is laying down certain teaching standards in technical education or programmes formulated in any of the department of units,".

Justice Gowda pronounced judgment saying "The role of AICTE vis-à-vis universities is only advisory, recommendatory and one of providing guidance and (it) has no authority to issue or enforce any sanction by itself."

It was agreed to by the bench that only the UGC had the power to regulate universities in relation to granting sanction/approval, maintaining educational standards and overseeing the fee structure. Admissions to various courses offered by them, their institutions, constituent colleges, units and affiliated colleges were also under the UGC.