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APEX COURT BLOW TO AICTE

Friday, 26 April 2013 | Abraham Thomas | New Delhi

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Private colleges will no longer require permission of the All India Council for Technical Education (AICTE) to conduct MBA and MCA courses, ruled the Supreme Court on Thursday. This could, yet again, lead to mushrooming of colleges vying to offer these lucrative courses.

The bench of Justices BS Chauhan and V Gopala Gowda held that though MCA was a technical course, the AICTE had no business to lay down standards as for this purpose the Parliament had already enacted the UGC Act. Moreover, the role of AICTE was advisory and could only impose uniform standards of education in affiliated members of a university by putting a note to the UGC, the bench said.

About the MBA course, the bench held "MBA course is not a technical course within the definition of AICTE Act" and "...approval from the AICTE is not required for obtaining permission and running MBA course by the appellant colleges."

The order came on a bunch of appeals filed by Association of Management of Private Colleges along with certain private colleges in Tamil Nadu which defied the AICTE order directing them to seek prior approval for starting an MCA course.

The colleges had raised a legal objection that the AICTE Act being an enactment of Parliament could not be amended in year 2000 without being placed in the Parliament. This argument was accepted by the Court to knock off AICTE's jurisdiction.

The judgment by the apex court is a huge blow to the AICTE which made it mandatory for any college running MBA/MCA course affiliated to any University to seek its prior approval.

This regulation was added under the AICTE Act by way of an amendment in year 2000 recognised both MBA and MCA courses to be "technical" courses.

Figures available with the court revealed that till 2001-02, AICTE-approved 865 institutions conducted MCA courses offering 40,792 seats. This number is now set to rise since the SC decision.