

# **Andhra Pradesh Private Educational Institutions Grant-in-aid (Regulation) Act, 1988**

ANDHRA PRADESH

India

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### **Act 22 of 1988**

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Andhra Pradesh Private Educational Institutions Grant-in-aid (Regulation) Act, 1988 Act No. 22 of 1988 Received the assent of the Governor as 28-8-1988 and the said assent is first published in Andhra Pradesh Gazette, dated 29-8-1988. An Act to regulate the Payment of Grant-in-Aid to the Private Educational Institutions in the State of Andhra Pradesh. Whereas, in G.O.Ms.No. 424, Education (CE) Department, dated the 19th September, 1985, Government directed that all the un-aided Private Degree and Junior Colleges (including Oriental Colleges, Colleges of Education and Colleges of Physical Education) existing on the 1st September, 1985, which were opened with the permission of the competent authority and have completed five years of their existence in respect of Men's Colleges and three years of their existence in respect of Women's Colleges be admitted to grant-in-aid ; And whereas, in G.O.Ms.No. 238, Education (SSE) Department, dated the 27th May, 1986, the Government have decided that all schools which were opened after the 1st April, 1977 with the permission of the competent authority and have completed the minimum period of their existence of five years in respect of boys' schools and co-education schools, three years in respect of girls' schools and four years in respect of Oriental Schools be admitted to the grant-in-aid ; And whereas, in G.O.Ms.No. 344, Education Department, dated the 22nd July, 1985, the Government have decided to admit to grant-in-aid all the additional sections and posts permitted by the Government or the competent authority in the schools already admitted to grant-in-aid prior to the 1st April, 1977 subject to the workload and other conditions ; And whereas, the Government have received several complaints that the schools and colleges opened after the 1st April, 1977 and the additional sections and posts created in schools admitted to grant-in-aid prior to that date have not satisfied the conditions for admission to grant-in-aid and are yet claiming the grant-in-aid ; [And whereas, the Government have in place of the Committee referred to in the foregoing paragraph, constituted two separate Committees one for Higher Education and the other for Secondary School Education in G.O.Rt.No. 124, Education (SSE-1) Department, dated the 27th January, 1989 as modified in Government Memo. No. 245/SSE-1189-1, Education Department, dated the 9th

February, 1989 to look into every case of grant-in-aid as may be pending or as may be referred to the said Committee and make specific recommendations for the release of the grant-in-aid, or as the case may be, for its withdrawal] [Added by Act No. 23 of 1989.]. And whereas, the Government have constituted a high level Committee in G.O.Rt. No. 220, Education (SSE-1) Department, dated the 24th February, 1988 to look into every case of grant-in-aid as may be pending or as may be referred to it and make a specified recommendation for the release of the grant-in-aid or as the case may be for its withdrawal ; Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-ninth Year of Republic of India, as follows :

## **1. Short title, application and commencement**

(1) This Act may be called the Andhra Pradesh Private Educational Institutions Grant-in-Aid (Regulation) Act, 1988. (2) It shall apply to all private educational institutions in the State. (3) It shall be deemed to have come into force on the 22nd July, 1985.

## **2. Definitions**

- The words and expressions used in this Act, but not defined, shall have the meaning respectively assigned to them in the Andhra Pradesh Education Act, 1982.

## **3. Regulation of grant-in-aid to private educational institutions**

(1) Notwithstanding anything contained in G.O.Ms.No. 238, Education (SSE) Department, dated the 27th May, 1986 and G.O.Ms.No. 42, Education (CE) Department, dated the 19th September, 1985. (a) no private educational institution other than a college established after the 1st April, 1977 and existing on the 1st September, 1985 and no private college established after the 1st April, 1977 and existing on the 1st March, 1985 shall be entitled to receive any grant-in-aid [unless the Committee concerned constituted in G.O.Rt. No. 220, Education (SSE-I) Department, dated the 27th January, 1989 and the Government Memo. No. 245/SSE-1/89-I, Education Department, dated the 9th February, 1989] [Amended by Act No. 23 of 1989.] recommends that it may be admitted to grant-in-aid ; and (b) no private educational institution other than a College which has been established after the 1st September, 1985 and no private college which has been established after the 1st March, 1985 shall be entitled to receive any grant-in-aid. (2) A private educational institution referred to in Clause (a) of sub-section (1) in favour of which the Committee recommends the release of grant-in-aid shall be entitled to such grant only from the date it satisfies all the conditions for admission to grant-in-aid specified in the Andhra Pradesh Education Act, 1982 and the Rules made thereunder, the grants-in-aid Code and the orders and other instructions issued by the Government from time to time in this behalf.

## **4. Release of grant-in-aid in respect of certain additional sections and posts**

- Notwithstanding anything contained in G.O.Ms.No. 344, Education (SSE) Department, dated the 22nd July, 1985, no school admitted to grant-in-aid prior to the 1st April, 1977 shall be entitled to

receive any grant-in-aid with respect to any additional sections opened or posts created after the 1st April, 1977 [unless the Committee concerned constituted in G.O.Rt.No. 220, Education (SSE-I) Department, dated the 24th February, 1988 as modified in G.O.Rt.No. 124, Education (SSE-I) Department, dated the 27th January, 1989 and the Government Memo. No. 245/SSE-1/89-I, Education Department, dated the 9th February, 1989] [Amended by Act No. 23 of 1989.] recommends the release of grant-in-aid in respect of such additional sections and posts.

## **5. Recovery of grant-in-aid in certain cases**

- [Where the Committee concerned constituted in G.O.Rt.No. 220, Education (SSE-I) Department, dated the 24th February, 1988 as modified in G.O.Rt. No. 124, Education (SSE-I) Department, dated the 27th January, 1989 and the Government Memo. No. 245/SSE-I/89-I, Education Department, dated the 10th February, 1989] [Amended by Act No. 23 of 1989.] is of the opinion that an educational institution has received grant-in-aid without satisfying the conditions for such grant, the Government may, by order direct the educational institution to refund the grant received by it within such time either in one lumpsum or in such number of instalments as may be specified in the order, failing which it shall be competent for the Government to recover the grant-in-aid in the same manner as an arrear of land revenue :Provided that no order under this section shall be made unless the management of the concerned educational institution has had an opportunity of making a representation.

## **6. Act to override other laws etc.**

- The provisions of this Act, shall have effect notwithstanding anything contained in any other law for the time being in force or any judgement, decree or order of any Court, or other authority or any order to the contrary.

## **7. Validation**

- Notwithstanding any Government Order, any Judgment, decree or order of any Court or other authority, no private educational institution other than a college established after the 1st April, 1977 and existing on the 1st September, 1985 and no private college established after the 1st April, 1977 and existing on the 1st March, 1985 shall be entitled to claim or receive any grant-in-aid except as provided for in this Act and accordingly : (a) no suit or other proceeding shall be maintained or continued in any Court against the Government or any person or authority whatsoever for the payment of any grant-in-aid ; and (b) no Court shall enforce any decree or order directing the payment of any grant-in-aid except to the extent provided by this Act.

## **8. Repeal of Ordinance 11 of 1988**

- The Andhra Pradesh Private Educational Institutions Grant-in-Aid (Regulation) Ordinance, 1988 is hereby repealed.