

**THE ANDHRA PRADESH RECOGNISED PRIVATE EDUCATIONAL
INSTITUTIONS (CONTROL) ACT, 1975
ACT No.11 OF 1975
ARRANGEMENT OF SECTIONS**

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**THE ANDHRA PRADESH RECOGNISED PRIVATE EDUCATIONAL
INSTITUTIONS (CONTROL) ACT, 1975
ACT No.11 OF 1975**

[5th March, 1975]

**AN ACT TO PROVIDE FOR TERMS AND CONDITIONS OF SERVICE OF TEACHERS IN,
AND CONTROL OVER, THE RECOGNISED PRIVATE
EDUCATIONAL INSTITUTIONS IN THE STATE OF ANDHRA
PRADESH AND FOR MATTERS CONNECTED THEREWITH.**

BE it enacted by the Legislature of the State of Andhra Pradesh in the
Twenty-sixth year of the Republic of India as follows:-

**CHAPTER-I
PRELIMINARY**

- 1. Short title, extent, application and commencement**—(1) This Act may
be called the Andhra Pradesh Recognised Private Educational Institutions
(Control) Act, 1975.
(2) It extends to the whole of the State of Andhra Pradesh.

(3) It applies to all private educational institutions.

(4) It shall be deemed to have come into force on the 5th October, 1974.

2. Definitions - In this Act, unless the context otherwise requires-

- (1) “competent authority” means any authority, officer or person authorised by the Government by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class of private educational institutions, as may be specified in the notification.
- (2) “educational agency” means in relation to –
 - (a) any minority educational institution, any person who, or body of persons which, has established and is administering or proposes to establish and administer such minority educational institution; and
 - (b) any other private educational institution, any person or body of persons entrusted with the establishment, management and maintenance of such private educational institution;
- (3) “Government” means the State Government;
- (4) “minority educational institution” means a private educational institution of its choice established and administered, or managed by any such minority, whether based on religion or language, as has the right to do so under article 30 of the Constitution;
- (5) “notification” means a notification published in the Andhra Pradesh Gazette, and the word “notified” shall be construed accordingly;
- (6) “prescribed” means prescribed by rules made under this Act;
- (7) “private educational institution” means an institution imparting education or training, established and administered or maintained by any person or body of persons, and recognized by the Government and includes a college or Junior college; but does not include an educational institution-
 - (a) imparting technical or professional education;
 - (b) established and administered or maintained by the Central Government or the State Government or any local authority;
 - (c) established and administered by any University established by law; or
 - (d) giving, providing or imparting only religious instruction but not any other instruction.

CHAPTER-II

TERMS AND CONDITIONS OF SERVICE OF TEACHERS

3. Dismissal, removal or reduction in rank or suspension of teachers employed in private educational institutions –(1) Subject to any rule that may be made in this behalf, no teacher employed in any private educational institution shall be dismissed, removed or reduced in rank nor shall his appointment be otherwise terminated, except with the prior approval of the competent authority:

Provided that if any educational management, agency or institution contravenes the provisions of this sub-section, the teachers affected shall be deemed to be in service.

(2) Where the proposal to dismiss, remove or reduce in rank or otherwise terminate the appointment of any teacher employed in any private educational institution is communicated to the competent authority that authority shall, if it is satisfied that there are adequate and reasonable grounds for such proposal, approve such dismissal, removal, reduction in rank or termination of appointment.

(3) (a) No teacher employed in any private educational institution shall be placed under suspension, except when an inquiry into the gross misconduct of such teacher is contemplated.

(b) No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher shall, without prejudice to the inquiry, be deemed to have been restored as teacher:

Provided that the competent authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if, in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher.

(4) Every such teacher as is placed under suspension under sub-section (3) shall be paid subsistence allowances at such rates as may be prescribed during the period of his suspension.

4. Appeal against orders of punishment imposed on teachers employed in private educational institutions - Any teacher employed in any private educational institution-

(a) who is dismissed, removed or reduced in rank or whose appointment is otherwise terminated; or

(b) whose pay or allowances or any of whose conditions of service are altered or interpreted to his disadvantage, by any order;

may prefer an appeal against the order to such authority or officer as may be prescribed; and different authorities or officers may be prescribed for different classes of private educational institutions.

Explanation-In this section, the expression 'order' includes any order made on or after the date of the commencement of this Act in any disciplinary proceedings which was pending on that date.

5. Special provision regarding appeal in certain past disciplinary cases -(1) If, before the date of the commencement of this Act, any teacher employed in any private educational institution has been dismissed or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before that date -

(a) by him against such dismissal or removal or reduction in rank or termination; or

(b) by him or the educational agency against any order made before that date in the appeal referred to in clause (a);

is pending on that date, such appeal shall stand transferred to the appellate authority prescribed under section 4.

(2) If any such appeal as is referred to in sub-section (1) has been disposed of before the date of the commencement of this Act, the order made in any such appeal shall be deemed to be an order made under this Act and shall have effect accordingly.

6. Retrenchment of teachers -Where any retrenchment of any teacher employed in any private educational institution is rendered necessary consequent on any order of the Government relating to education or course of instruction or to any other matter, such retrenchment may be effected with the prior approval of the competent authority.

7. Pay and allowances of teachers employed in private educational institution to be paid in the prescribed manner-The pay and allowances of any teacher employed in any private educational institution shall be paid on or before such day of every month, in such manner and by or through such authority, officer or person, as may be prescribed.

CHAPTER-III

ACCOUNTS, AUDIT, INSPECTION AND RETURNS

8. Accounts -Every private educational institution shall maintain accounts in such manner and containing such particulars as may be prescribed.

9. Annual audit of accounts -(1) The accounts of every private educational institution receiving aid out of State Funds shall be audited at the end of every academic year by such authority, officer or person as may be prescribed and different authorities, officers or persons may be prescribed for different classes of private educational institutions.

(2) (a) The prescribed authority, officer or person shall send a copy of the report on the audit of the accounts, under sub-section (1) to the competent authority which shall forward the report to the educational agency.

(b) The educational agency shall, within such time as may be prescribed, submit that report together with the comments of that agency to the competent authority.

10. Inspection or inquiry –(1) The competent authority shall have the right to cause an inspection of, or inquiry in respect of, any private educational institution, its buildings, laboratories, libraries, workshops and equipment and also of that examinations, teaching and other work conducted or done by the

private educational institution, to be made by such person or persons as it may direct and to cause an inquiry to be made in respect of any other matter connected with the private educational institution and the educational agency shall be entitled to be represented thereat.

(2) The competent authority shall communicate to the educational agency the views of that authority with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the educational agency thereon, advise that agency upon the action to be taken.

(3) The educational agency shall report to the competent authority the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry. Such report shall be furnished within such time as the competent authority may direct.

(4) Where the educational agency does not, within a reasonable time, take action to the satisfaction of the competent authority that authority may, after considering any explanation furnished or representation made by the educational agency, issue such directions as that authority deems fit; and the educational agency shall comply with such directions, and the head of the private educational institution shall be responsible for the implementation of every such direction.

11. Furnishing of returns, etc. – Every educational agency shall, with in such time or within such extended time as may be fixed by the competent authority in this behalf, furnish to the competent authority such returns, statistics and other information as the competent authority may, from time to time require.

CHAPTER-IV PENALTIES AND PROCEDURE

12. Penalties for contravention –(1) If any person willfully contravenes, or attempts to contravene, or knowingly abets the contravention of, any of the provisions of this Act or any rule made thereunder, he shall be punished with fine which may extend to five hundred rupees and in the case of continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) If any person willfully obstructs any authority officer or person, from entering any private educational institution in the exercise of any power conferred on it or him by or under this Act, he shall be punished with fine which may extend to one thousand rupees.

13. Offence by companies - (1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who, at the time of offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section,-

- (a) “company” means any body corporate and includes a firm, society or other association of individuals and
- (b) “director” in relation to –
 - (i) a firm, means a partner in the firm,
 - (ii) a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

14. Cognizance of offences –No court shall take cognizance of any offence punishable under this Act except on a report in writing of the fact constituting such offence made by an authority or officer authorised by the Government in this behalf.

CHAPTER-V MISCELLANEOUS

15. Delegation of powers of Government - (1) The Government may, by notification, authorize any authority or officer to exercise any of the powers vested in them by this Act except the power of revision under section 18 and power to make rules under section 19 and may in like manner withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subjected to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such authority or officer as may be empowered by them in this behalf. The Government shall also have the power to control and revise the acts or proceedings of any authority or officer so empowered.

16. Civil Court not to decide questions under this Act - No civil court shall have jurisdiction to decide or deal with any question which is by or / under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.

17. Indemnity - (1) No suit or other proceeding shall lie against the Government for any Act done or purporting to be done under this Act or any rule made thereunder.

(2) (a) No suit, prosecution or other proceeding shall lie against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

(b) No authority or officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder after the date of the expiry of six months from the date of the Act complained of.

18. Revision –(1) The Government in relation to a college or junior college and the Director of Public Instruction in relation to any other education institution may call for and examine the record of the competent or other authority or officer subordinate to them or him, in respect of any proceedings to satisfy themselves or himself as to the regularity of such proceeding, or the correctness, legality or propriety of any order made, decision taken or direction issued therein; and, if, in any case it appears to the Government or the Director of Public Instruction, as the case may be, that any such order, decision or direction should be modified, annulled, reversed or remitted for reconsideration, they or he may pass such order thereon as may be deemed fit.

(2) No order adversely affecting any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Government or the Director of Public Instruction, as the case may be, may, pending the exercise of their or his power under sub-section (1), pass such interlocutory orders as they or he may deem fit.

19. Power to make rules –(1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner in which accounts, registers and records shall be maintained in private educational institutions and the authority responsible for such maintenance:

(b) the submission of returns, statements, reports and accounts by educational agencies of private educational institutions.

(3) Every rule made under this Act, shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two

successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. Act to override other laws - The provisions of this Act shall have effect notwithstanding any thing in consistent therewith in any other law for the time being in force or any agreement or contract, or deed, document and other instrument having the force of law, or decree or order of a court, tribunal or other authority.

21. Repeal of Ordinance No.3 of 1974 -The Andhra Pradesh Recognised Private Educational Institutions (Control) Ordinance, 1974 is hereby repealed.

