
Renaissance Education Society Vs National Council For Teacher Education

Writ Petition No. 8194 of 2016

Court: MADHYA PRADESH HIGH COURT

Date of Decision: Sept. 8, 2016

Acts Referred:

Constitution of India, 1950 - Article 226#National Council for Teacher Education Act, 1993 - Section 117, Section 13

Citation: (2016) 4 MPLJ 611

Hon'ble Judges: Shri R.S. Jha and Shri C.V. Sirpurkar, JJ.

Bench: Division Bench

Advocate: Shri Sidharth Gupta, Advocate, for the Petitioners; Shri Deepak Awasthi, Govt. Advocate, for the Respondent/State; Shri R.P. Tiwari, Advocate, for the Respondent/NCTE

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

R.S. Jha, J. - As both the aforesaid petitions raise a common issue for decision before this Court, they are heard and decided concomitantly.

2. The petitioners, who are private unaided self financing institutions imparting training and education in teacher training courses of D.Ed./D.El.Ed.

and have obtained recognition under the relevant provisions of the National Council for Teacher Education, Act 1993 (hereinafter referred to as

"the Act of 1993") as well as affiliation from the respondent Board of Secondary Education, for establishing the institution and are running such

Teachers Training Institution since the last 7 to 8 years, have filed these petitions challenging the order dated 27.4.2016 issued by the Secretary of

the respondent Board to all Collectors in the State of M.P asking them to conduct inspection of all such institutions like the petitioners' institution

for the purposes of renewal/grant of affiliation and while doing so to also inspect as to whether the institutions have complied with the conditions

and requirements prescribed and provided under the Act of 1993 and the Regulations framed thereunder. In the aforesaid order the Collector has

further directed that the aforesaid inspection report should be submitted in a time bound manner so that the application for affiliation/renewal of

affiliation may be considered by the authority concerned.

3. The learned counsel for the petitioners submits that the impugned order passed by the respondent Board directing the Collectors of the

concerned district to conduct inspection is beyond the power and authority of the Board as the exclusive jurisdiction to conduct inspections and

taking action in respect of violation of the norms and standards prescribed under the Act of 1993 and the Regulations framed thereunder, vests

solely and exclusively with the Regional Committee constituted under the Act of 1993 and the Regulations framed thereunder and in such

circumstances the impugned directions, being contrary to the provisions of the Act of 1993 and the Regulations framed thereunder and being

without the authority of law, deserve to be quashed.

4. It is also submitted by the learned counsel for the petitioners that in view of the decision of the Supreme Court rendered in the cases of Rungta

Engineering College, Bhilai and Another v. Chhattisgarh Swami Vivekanand Technical University and Another, (2015) 11 SCC 291,

as well as the decision rendered in the case of Chairman, Bhartia Education Society and Another v. State of Himachal Pradesh and

others, (2011) 4 SCC 527, the affiliating body has no power to withhold or withdraw affiliation on the ground of violation and non-compliance of

the conditions prescribed under the Act of 1993 and the Regulations framed thereunder and, therefore, the impugned order dated 27.4.2016

which indicates that the violation or non-compliance of the provisions of the Act of 1993 and the Regulations framed thereunder, would be taken

into consideration for the purposes of considering the application for renewal and grant of affiliation is beyond the authority of the respondent

Board and, therefore, the same be quashed.

5. The learned counsel for the petitioners has submitted that a Division Bench of this Court in the case of Mittal Institute of Technology v. State of

M.P and others, (W.P No. 2323/2015) decided on 13.07.2016, has already held that the act of the respondent affiliating body refusing to grant

affiliation on account of non-compliance or violation of the norms and standards prescribed under the A.I.C.T.E Act, which is in similar terms as

the Act of 1993 and the Regulations framed thereunder, is contrary to law and has quashed the act of the respondent University therein refusing to

grant affiliation for non-compliance of the norms prescribed under the AICTE Act, by relying upon the decision of the Supreme Court rendered in

the case of Rungta Engineering College (supra).

6. The learned counsel for the petitioner has also relied upon the decisions of this Court rendered in the case of Maa Kailadevi College of

Education v. State of M.P. and Another (W.P No. 8632/2011) decided on 6.1.2012 and Adhar Ram Raj Mishra Shiksha Evam Swasthya Samiti

v. Nation Council for Teacher Education and Others, (W.P. No. 12453/2015) decided on 23.8.2016, in support of the same submission. It is

submitted that once three Division Benches of this Court have already held that such an action on the part of the affiliating body is not permissible in

law, therefore, as the issue involved in the present petitions being similar, the impugned order dated 27.4.2016 deserves to be quashed and the

petitions be allowed.

7. The learned counsel for the respondent Board, per contra, has filed a return and has stated that the respondent Board has been receiving several

complaints in respect of institutions that have been granted recognition under the Act of 1993 and the Regulations framed thereunder, to the effect

that the institutions have not complied with the norms and standards prescribed thereunder. It is submitted that in view of the several complaints

received by them, the respondent Board, which is the affiliating authority, has issued the impugned order with a view to ensure that the institutions

duly comply with the conditions of affiliation and in case they have violated the norms and standards prescribed under the Act of 1993 and the

Regulations framed thereunder, to forward the said instances of violation to the Regional Committee constituted under the Act of 1993 and the

Regulations framed thereunder, for the purposes of taking action in accordance with law. The respondents have filed I.A. No. 12105/2016 in

W.P. No. 9067/2016 for bringing on record the proposed action to be taken by the respondents on the basis of the report received by them

which is in the following terms:-

3. That, it is submitted that such inspection is akin to a preliminary fact finding enquiry for the purpose of verification of the complaint received by

the authorities. If in the inspection report, there are findings relating to non-conforming to the standards that have been prescribed by the NCTE,

the answering respondent shall furnish the entire report/findings observed by the Committee so constituted to the concerned authority of the NCTE

without taking any action thereon as a representation under Section 17 of the Act of 1993 and that further action shall thereafter be taken up by the

NCTE/Regional Committee as the case may be, in accordance with law.

4. In other words, the answering respondent does not propose to take up the action of withdrawing recognition of any of the recognised institution

under the NCTE Act, 1993 on its own and that it has only proposed to conduct a non-statutory preliminary fact finding enquiry in view of the

complaint received by them in respect of most of the institutions and thus the impugned order does not call for any interference.

5. That, it is categorically stated that the answering respondent is not usurping or taking over the powers vested in the NCTE or the Regional

Committee regarding withdrawal of recognition which still remains intact and can be invoked by them at any point of time with absolute

independence and without any fetters being placed upon them by the impugned order.

6. That, it is categorically submitted that in so far as the findings in regard to non-confirming to conditions of recognition (if any) is concerned, the

answering respondent shall forward the same to the Regional Committee/NCTE for further action in accordance with law who may take up

proceedings on their own or by treating the reports as representations or complaints under Section 17 of the Act of 1993.

7. That, it is submitted that the controversy in the present case is squarely covered by the judgment dated 04/08/2016 of this Hon"ble Court in

Sardar Vallabh Bhai Patel College of Education and others v. State of M.P. and others, (W.P. No. 3368/2016) wherein it was held that as the

State submitted that it would not take any action against the petitioner institution therein for withdrawing their recognition and shall be only

forwarding it to the Regional Committee for further action, therefore, the impugned order was not against any of the rights conferred upon the

petitioner institution therein and did not call for any interference. As the facts of the instant case are similar to Sardar Vallabh Bhai Patel case

(supra), the instant case is liable to be dismissed.

8. That, it is submitted that if the report gives a finding that conditions(s) of affiliation have not been met by an institution, only then the answering

respondent shall take steps towards withdrawing of affiliation from the said institution.

8. The respondents have placed reliance on the decision of the Division Bench of this Court in the case of Maa Reweti Educational & Welfare

Society v. National Council for Teachers Education and others (W.P. No. 4205/2016) decided on 14.03.2016, wherein this Court, after taking

into consideration various judgments and the contention of the petitioners, has held that the affiliating body is not obliged to grant affiliation merely

on grant of recognition under the Act of 1993 and the Regulations framed thereunder by the Regional Committee and that it is obliged to grant

affiliation only if it is satisfied that the conditions for affiliation have been complied with by the institution in accordance with the parameters and

guidelines laid down by the State enactment and the Regulations framed thereunder, by placing reliance on the decision of the Supreme Court in

the case of Chairman, Bhartiya Education Society and another v. State of Himachal Pradesh and others, (2011) 4 SCC 527. It is stated

that in the aforesaid decision the Division Bench of this Court has clearly held that the affiliating body, while granting affiliation, has the power to

examine as to whether the parameters for affiliation as well as norms for grant of recognition have been complied with by the institution or not.

9. The respondents have also relied upon the decision of this Court in the case of Sardar Vallabh Bhai Patel College of Education and Others v.

State of M.P. and others (W.P. No. 3368/2016 and connected matters) decided on 4.8.2016, wherein this Court, after analysing the provision of

the Act of 1993 and the Regulations framed thereunder, has held that the State has the power to conduct a preliminary fact finding enquiry for the

purposes of ascertaining as to whether the institutions are complying with the norms and standards prescribed under the Act of 1993 and the

Regulations framed thereunder, and that the State on receipt of the report of such preliminary fact finding enquiry, finds that the institution is not

doing so, it may forward its report to the competent authority under the Act of 1993 and the Regulations framed thereunder, for further action in

accordance with law without taking any action on its own.

10. The learned counsel for the respondents submits that admittedly and undisputedly, the respondent Board has the power to conduct an

inspection for the purposes of granting, refusing or renewal of affiliation and, therefore, the respondent Board has issued the impugned order dated

27.04.2016 and while doing so it has also been directed that in case the inspecting team finds violation of the norms of recognition prescribed

under the Act of 1993 and the Regulations framed thereunder, a report in that regard has also been directed to be submitted which shall be

forwarded to the Regional Committee under the Act of 1993 and the Regulations framed thereunder, for action in accordance with law. It is further

submitted that as far as affiliation is concerned, if the inspecting team finds that the institution has not complied with the norms and standards

prescribed for affiliation, the authority concerned shall take action in accordance with law in that regard for the purposes of withdrawing/refusing

affiliation.

11. We have heard the learned counsel for the parties at length. Before we proceed to decide the issue raised by the petitioners in the present

petitions, it would be appropriate to enumerate and assimilate the undisputed facts that are on record.

12. In the present case it is an undisputed and admitted fact that the respondent Board is the affiliating authority for grant of affiliation to institutions

like the petitioners who are imparting education in Teachers Training. It is also an undisputed and admitted fact that the procedure for affiliation has

been prescribed and has been laid down by the respondent Board by their circular dated 22.2.2014, Annexure P-4 and that in para-17 of the

aforesaid circular the respondent Board has expressly provided for conducting an inspection of any institution either itself or through the persons

authorised by it with a clear stipulation that the institution concerned would be obliged to furnish all information to the authority conducting the

inspection. It is also an admitted fact that as per the procedure prescribed in the circular, periodic inspection for the purposes of renew or

extension/renewal of recognition is required to be conducted by the authorities of the Board. It is also an admitted and undisputed fact that in para-

17 of the said circular the Board has the power to withhold or refuse affiliation granted to an institution. It is also an admitted and undisputed fact

that the impugned order dated 27.4.2016 has been passed by the affiliating authority and not by the authority granting recognition and that the said

order does not talk about withdrawal or cancelling of recognition but only provides for submitting a report regarding violation of the norms of

recognition which shall be taken note of along with the case for considering renewal or refusal to grant affiliation.

13. In view of the aforesaid admitted and undisputed fact, we are not required to go into the issue as to whether the impugned order dated

27.04.2016 passed by the Board, which is the affiliating authority, is beyond jurisdiction as far as the contention of inspection, renewal or refusal to

grant affiliation is concerned. On the basis of the argument of the learned counsel for the petitioner, the only issue required to be looked into by this

Court is as to whether the direction in the impugned order to the effect that the inspecting team shall also enquire and find out as to whether the

institution has complied with the norms and standard of recognition prescribed under the Act of 1993 and the Regulations framed thereunder, is

beyond the jurisdiction of the Board and as to whether on the basis of the finding regarding violation of the norms and standards of recognition

prescribed under the Act of 1993 and the Regulations framed thereunder, the Board which is the affiliating body, has any power or authority to

take any action regarding recognition against the institution concerned.

14. In this regard, the stand of the respondent in the present petition is worth noting. The respondent Board in its return as well as I.A. No.

12105/2016 has clearly stated that it is the affiliating authority and admittedly has the power to conduct inspection in respect of affiliation, however,

as they have received several complaints in respect of violation of the Act of 1993 and the Regulations framed thereunder, they have also

instructed their inspecting team to conduct a preliminary fact finding enquiry regarding violation of the norms and standards prescribed by the

NCTE, and on affidavit, have also specifically stated that in case they find that any norms and standards prescribed by the NCTE have been

violated, they would not take any action against the institution in that regard but would forward their findings to the Regional Committee which is

the competent authority under the Act of 1993 for further action. The respondents have specifically and categorically stated that as far as the

inspection in respect of violation of the Act of 1993 and the Regulations framed thereunder is concerned, the respondent authorities would only be

conducting a preliminary fact finding Enquiry for the purposes of forwarding the same to the Regional Committee for action either as a

representation under Section 17 of the Act of 1993 or for the purposes of asking the Regional Committee to take action on its own.

15. In view of the aforesaid specific stand taken by the respondents before us on affidavit, it is apparent that the respondents have themselves

clarified that they would not be taking any steps or adverse action or pass any orders against any institution recognised under the Act of 1993 in

respect of recognition on account of violation or non-compliance of the norms and standard prescribed under the Act of 1993 or the Regulations

framed thereunder and would only be forwarding their finding/report in this regard for appropriate action to the competent authority which is the

Regional Committee under the Act of 1993 for further action.

16. This Court in the case of Sardar Vallabh Bhai Patel College of Education (W.P. No. 3368/2016) (supra) after taking into consideration

Articles 21-A, 47, 163, 256 as well as the provisions of Entry 66 of List-I of the 7th Schedule of the Constitution of India, and Entry 25 of List-III

of the 7th Schedule of the Constitution of India, and the provisions of the Act of 1993 and the Regulations framed thereunder, has held that the

State has the power to conduct a preliminary fact finding enquiry as there is no provision relating to prohibiting or regulating such a preliminary a

fact finding enquiry under the Act of 1993 or the Regulations framed thereunder more so as the State proposes to forward the report of the fact

finding enquiry to the Regional Committee constituted under the Act of 1993 for further action in accordance with law and does not intend to take

any action on its own in that regard.

17. In the aforesaid decision, this Court has also categorically held that the State or the affiliation body has no power or authority to take action on

its own in respect of violation of the norms and standard prescribed under the Act of 1993 or the Regulations framed thereunder, against an

institution that has been granted recognition under the aforesaid provision, in the following terms in paras 60, 61, 69 & 70:-

60. Article 21-A of the Constitution of India, casts a mandatory duty upon the State to provide free and compulsory education of all children up

to the age of 6 to 14 years in such a manner as the State may by law determine and Article 41 of the Constitution of India provides that the State

shall within its economic capacity and development, make effective provision for securing the right to education and to public assistance in cases of

unemployment. It is also undisputed that the petitioner institutions and the other institutions granted recognition under the Act of 1993 and the

Regulations framed thereunder, are involved in imparting B.Ed. and M.Ed. degree courses and are, therefore, producing teachers in the State of

M.P. who in turn would also be involved in imparting primary education to children of the age of 6 to 14 years which is an obligation of the State to

provide under Article 21-A of the Constitution of India and, therefore, the State is vitally interested in ensuring that the petitioner institutions and the

other recognised institutions under the Act of 1993, conform to the necessary standard so that these institutions are able to achieve the basic object

of producing competent and qualified teachers and, therefore, the State cannot be expected to sit back with folded hands like an unconcerned by-

stander and not act upon the huge number of complaints that are received against the institutions recognised under the Act of 1993, imparting

B.Ed. and M.Ed. degrees.

61. In the instant case it is not in dispute that while no law under Entry 25 List-III of the Constitution of India has been made by the State in this

regard however, Article 162, subject to the provisions of the Constitution, extends the executive power of the State in matters with respect to

which the Legislature of the State has powers to make laws, and Article 256 of the Constitution of India casts an obligation on the State to

exercise its executive powers to fill up the lacuna and vacuum to ensure compliance of the law made by the Parliament which in the instant case is

the Act of 1993.

69. In view of the aforesaid analysis of the provisions of the Act of 1993, the provisions of Article 21-A, 41, 162 and 256, Entry 66 of List I,

Entry 25 of List-III of the Constitution of India and the fact that we have already held that the impugned order fills up a gap, lacuna and vacuum

and is not in violation of any of the provisions of the Act of 1993 nor does it usurp any of the powers conferred on the authorities thereunder,

therefore we are of the considered opinion that the State has the powers and authority to issue the impugned order under Article 162 and 256 of

the Constitution of India in exercise of its executive power which is coextensive with its legislative powers and in discharge of its obligation to

ensure proper implementation of the parliamentary legislation, i.e. the Act of 1993 to uphold the high standard of education and, therefore, the

same deserves to be and is hereby upheld.

70. We are also of the considered opinion that as the procedure of conducting a preliminary fact finding enquiry and forwarding the report thereof

to the Regional Committee for initiating proceedings under Section 17 of the Act of 1993 that is provided and directed to be conducted by the

impugned order is not covered by the Act of 1993 and the regulations framed thereunder and as there is a gap, lacuna and vacuum in that regard,

the State in addition to its executive powers under Articles 162 and 256 of the Constitution of India, has the power and authority to issue the

impugned order in discharge of its constitutional duties and obligations and in exercise of its general power of governance and administration more

so as the impugned order does not violate or contravene any statutory provision.

18. It is pertinent to note that the present case stands on a better footing as in the present case admittedly the respondent Board has the power to

conduct an inspection for the purposes of refusing or granting affiliation to the institution and therefore, as far as the authority of the respondent

Board to conduct an inspection is concerned the same is not disputed.

19. In view of the aforesaid facts and circumstances, we are of the considered opinion that as far as the first issue raised by the petitioners is

concerned, it is held that the respondent Board while conducting an inspection for the purpose of affiliation and even otherwise, has the power and

authority to conduct a preliminary fact finding inspection even in respect of the compliance or non-compliance of the provisions of the Act of 1993

and the Regulations framed thereunder, but on receiving a negative report in that regard and in terms of the stand taken by the respondents before

this Court, the respondent Board shall not take any action on its own in respect of the violation of the NCTE norms but shall simply forward the

report in the regard to the concerned Regional Committee for further action in accordance with law.

20. At this stage, we may profitably take note of the fact that such a course of action has also been affirmed and upheld by the Supreme Court in

the case of *Jaya Gokul Educational Trust v. Commissioner & Secretary to Government Higher Education Department,*

Thiruvananthapuram, Kerala State and another, (2000) 5 SCC 231, wherein the Supreme Court while considering the powers and the

authority under the AICTE Act viz-a-viz the authority of the State has held that if any fresh facts come to light and to the knowledge of the State

after an approval has been granted by the AICTE or that it finds that some conditions attached to the permission granted under the AICTE have

not been complied with, the State Government can always bring the instances of non 21 W.P. Nos. 8194/2016 & 9067/2016 compliance to the

notice of the authority of the AICTE in the following terms:-

27.We may however add that if thereafter, any fresh facts came to light after an approval was granted by AICTE or if the State felt that some

conditions attached to the permission and required by AICTE to be complied with, were not complied with, then the State Government could

always write to AICTE, to enable the latter to take appropriate action.

21. Similar view has been taken by Supreme Court in the case of *Rungta Engineering College, Bhilai* (supra) wherein the Supreme Court while

quashing the action of the University withdrawing affiliation granted to the institution on account of violation of the norms prescribed under the

AICTE Act has observed that at best the university should have forwarded its findings to the competent authority under the AICTE Act for further

action in accordance with law.

22. As far as the reliance placed by the learned counsel for the petitioner on the decision of this Court in the case of *Mittal Institute of Technology*

(supra) is concerned, we are of the considered opinion that the reliance placed there upon by the learned counsel for the petitioners is misplaced

and misconceived, firstly on account of the fact that the issue involved in that petition related to the validity of the action taken by the authority in

respect of a particular institution on findings violation of the Act of 1993 and the Regulations framed thereunder, which is not the case in the present

petition as the issue involved in the present petition relates to challenge to a general order issued by the respondent Board asking the collectors to

conduct preliminary fact finding inspections and submit reports to the authority which is competent to considered the application for

renewal/granting affiliation. In other words, the present case is not one where the respondents have taken any positive or coercive action against

any institution recognised under the Act of 1993 in respect of violation of any of the norms and standard prescribed thereunder, but is a case

where the respondent authorities who are competent to grant affiliation and conduct inspection in that regard, have issue orders to their committee

to also conduct preliminary fact finding enquiry while conducting such inspections in respect of the fact as to whether violation of the NCTE norms

have been committed by any institution or not with a further stipulation made before this Court on affidavit to the effect that in case such violation

are found such cases would be forwarded to the Regional Committee constituted under the Act of 1993 for further action.

23. Secondly, in that decision the learned counsel for the parties did not place before the Court the observations made by the Supreme Court in

the case of Jaya Gokul Educational Trust (supra) nor was it brought to the notice of the Court that in such cases the proper course that was

available to the affiliating body was to forward the report to the competent authority under the Act of 1993, as has been held in the case of Rungta

Engineering College, Bhilai (supra) itself and, therefore, the aspect of quashing the order and thereafter referring the matter to the competent

authority under the Act of 1993 and the Regulations framed thereunder, was neither considered nor decided.

24. For the same reason the reliance placed by the learned counsel for the petitioners on the decision of this Court rendered in the case of Maa

Kailadevi College of Education (supra) also does not help the cause of the petitioners in any way. The decision relied upon by the learned counsel

for the petitioners in the case of Adhar Ram Raj Mishra Shiksha Evam Swasthya Samiti v. National Council for Teacher Education & Others,

(W.P. No. 12453/2015) decided on 23.08.2016 also does not rendered any assistance to the petitioners on account of the fact that the said

decision relate to refusal to grant NOC and rejection of the application for recognition on account of not filing the NOC along with the application

for recognition which is not the issue involved in the present case. Quite apart from the above, it is worth noting that this Court in the aforesaid case

was dealing with the provision for obtaining and filing an NOC which is in fact provided by and under the Regulations framed under the Act of

1993 by the Parliament itself and not by the State. In other words, the provision for an NOC accompanying the application for recognition is

prescribed and provided under the Central Act itself and, therefore, has no applicability to the issue involved in the present case which relates to

the power and authority of the affiliating body to conduct a preliminary fact finding inspection in respect of violation of the NCTE norms along with

the regular inspection conducted by it for the purpose of granting or refusing affiliation.

25. In the case of Maa Reweti Educational & Welfare Society (supra) this Court by placing reliance on the decision of Chairman, Bhartia

Education Society (supra) has held in para-23 as under:-

Indubitably, affiliation is granted by the affiliating body as per the provisions of the State enactment. The fact that recognition is already granted by

NCTE to a given institution, does not necessarily mean that the affiliating body is obliged to grant affiliation unless it is satisfied about

compliances made by the institution of all parameters under the State enactment and Regulations framed thereunder. Recognition by NCTE may be

a condition precedent, but, that does not absolve the affiliating body to examine all relevant matters and record its satisfaction in that behalf. This

position is no more res integra. In the case of Chairman, Bhartiya Education Society v. State of Himachal Pradesh (supra) in para 17, the Supreme

Court has observed that there is no mandate against the Examining Body to grant affiliation to the institution on receipt of order of NCTE granting

recognition to such institution, though the recognition given by NCTE may be a condition precedent for grant of affiliation. The Examining Body can

still refuse affiliation with reference to any of the factors which have already been considered by NCTE while granting recognition. In view of this

settled legal position, even though this Court has allowed the writ petitions, on which reliance was placed by the petitioners referred to in the

opening part of the judgment, the affiliating body will be free to and must examine all aspects of the matter relevant for grant of affiliation and

decide the proposal of the concerned institution on its own merits. We may also observe that in the light of this pronouncement, even NCTE is not

obliged to issue recognition to concerned institution(s), unless it records satisfaction about the fulfilment of all preconditions.

26. In view of the aforesaid facts and circumstances, we are of the considered opinion that the present petitions filed by the petitioners as far as it

relate to challenge of the impugned order dated 27.04.2016 deserves to be and is hereby dismissed with the following observations:-

1. That the respondent authorities, as stated on affidavit by them before this Court, may conduct a preliminary fact finding enquiry in respect of the

institution granted recognition under the Act of 1993 and the Regulations framed thereunder, regarding violation of the norms and standard

prescribed in the aforesaid Act and Regulation along with the inspection for affiliation, but after doing so and in case they find any such violation

they shall not take any action on their own in respect of such violation and shall forward the preliminary fact finding enquiry report to the competent

authority i.e. the Regional Committee constituted under the Act of 1993 and the Regulations framed thereunder, for further action in accordance

with law and that the Regional Committee shall thereafter proceed further by initiating proceedings under the Act of 1993 in accordance with law.

2. That the respondent Board shall not take any action towards refusal of or withholding renewal or affiliation on account of any violation

committed by the petitioner institutions in respect of the norms and standard prescribed under the Act of 1993 and the Regulations framed

thereunder, unless some statutory provision empowers it to do so, but would have full liberty, power and authority to withdraw or refuse to grant

affiliation to the institution concerned in case of any violation of the norms and standard for affiliation prescribed by them.

27. The petitions stand dismissed with the aforesaid directions. In the facts and circumstances of the case there shall be no order as to costs.