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14/11/08



GOVERNMENT OF KERALA

ABSTRACT

Higher Education Department - Private Colleges- Utilization of Accumulated amount in PD account - Judgment in WP(C) No 20124/05 & connected cases by the Hon'ble High Court - Orders issued.

HIGHER EDUCATION (D) DEPARTMENT

G.O.(Rt)No. 1585/08/H.Edn.

Dated, Thiruvananthapuram 25 - 10 -2008.

- Read - 1) G O (MS) No. 312/83/H.Edn dated 30/12/1983
2) G O (MS) No. 224/90/H.Edn dated 13/3/1990 ✓
3) Government letter No. 14700/D2/04/H.Edn dated 18/8/04
4) Circular No G2-13213/2004/Col.Edn dated 20.4.05 from the Director of Collegiate Education
5) Judgment dated 19/3/07 in WP(C) No. 20124/05 & connected cases

ORDER

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As per the judgment read as 5th paper above the Hon'ble High Court directed Government that before enforcing Ext P6 circular read as fourth paper above Government shall hold discussion with managements with regard to the transfer of accumulated funds lying to credit of Principals of various aided colleges with whom the Government have entered in to separate agreements. If the Government and the respective managements agree upon appropriation of the accumulated funds it will be open to the parties to incorporate such a clause in the addenda of the agreement, which may be executed between in the parties. The hon'ble High Court has also ordered that till such time a decision is taken in the matter.

Government have examined the matter in detail. As per the directions of the Hon'ble High Court the Deputy Secretary to Government heard the petitioners and the representatives of Kerala Private College Management Association. As far as P D Account is concerned only the following PD account will lapse to the revenue account or need be closed at the end of the financial year.

- (a) Official recurring deposit
- (b) Cash deposits of patients in hospitals

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(c) P D account of Government officials which were created by debiting consolidated fund (except those opened for disbursement of pension through money order). The P D Account opened and operated for the purpose of crediting fees collected from the students do not come under the purview of the above P D account, which will lapse to the revenue account or need be closed at the end of the Financial Year.

Government have issued revised rule regulating the collection, custody and disposal of special fees which are to be received into PD account of Principals of Government and Private Colleges. As per G.O read as second paper above guidelines are also issued for the utilisation of the accumulated balance available under "Admission fee Accounts"

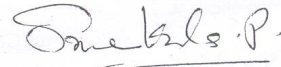
In the circumstances instructions issued in the Government letter third cited and subsequent clarifications issued on the matter including the circular read as fourth paper above are hereby cancelled. The Principals of colleges are permitted to operate the PD account strictly on the condition that the funds at the credit of these PD account must be used only for the purpose for which the said funds have been collected, as laid down in guidelines/orders issued by Government/Director of Collegiate Education governing the Collection and utilization of such funds. This order is issued in compliance to the judgment of the Hon'ble High Court referred above.

(BY ORDER OF THE GOVERNOR)
P VANAJA
Joint Secretary

To

- 1] The Director of Collegiate Education, Thiruvananthapuram
- 2] The Deputy Director of Collegiate Education, Kollam/ Kottayam/ Ernakulam/ Thrissur/ Kozhikkor
- 3] The Registrar Kerala Mahatma Gandhi/Calicut/ Kannur University
- 4] The Accounts General (R&E)/(Audit) Kerala Thiruvananthapuram
- 5] The Advocate General, Ernakulam (With covering letter)
- 6] The Principal, St. Albert's College, Ernakulam
- 7] The Principal, St. Thomas College, Pala
- 8] The Principal, St. Thomas College, Thiruvalla
- 9] The Principal, PSMO College, Thiruvangadi
- 10] The Secretary, KPCMA, BVM Holy Cross College, Cherpungal
- 11] The Finance Department (Vide No. 15565/Edn B3/08/fin dated 22/9/08)
- 12] Stock File / Office Copy.

Forwarded/By Order,



Section Officer