

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2022.10.19
10:51:35
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12009 OF 2022

Yadavrao Tasgaonkar Institute
of Engineering and Technology College Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr.Akshay R. Kapadia for the Petitioner
Mr. S. B. Kalel, AGP for the State
Mr. V. B. Vaidya for University
Mr. Sameer Khedekar for Respondent No.6

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : OCTOBER 17, 2022

P.C.

1 The Petitioner is not given continuation of affiliation by the University for the current academic year 2022-2023. The penalty of Rs.1,00,00,000/- (Rs. One Crore Only) has been imposed upon the Petitioner by the University for the lack of certain facilities in the premises from the year 2018 onwards.

2 It would appear that the Petitioner is granted continuation of affiliation by the University upto academic year 2021-2022. For the current academic year, the Application was filed within time with the University. The University, because of penalty of

Rs.1,00,00,000/- (Rs. One Crore Only) imposed upon the Petitioner, has not proceeded with continuation of affiliation.

3 The learned Counsel for the Petitioner submits that the Petitioner has necessary approval from the All India Council of Technical Education, Delhi (AICTE). On 7th July 2022 the extension of approval for the academic year 2022-2023 has been granted to the Petitioner institute for all courses run by the Petitioner with intake capacity as referred to in the letter dated 7th July 2022 issued by the AICTE (Page Nos.79 and 80). The learned Counsel submits that the University has no power and authority to withhold the affiliation and/or impose penalty upon the Petitioner. The Petitioner has challenged the said penalty by filing a separate Writ Petition. Same is pending consideration before this Court. The courses run by the Petitioner are technical courses and according to the learned Counsel for the Petitioner, the AICTE is only competent authority to grant extension of approval which, it has granted for the current academic year.

4 The learned Counsel for the University submits that there were deficiencies in the infrastructure provided by the Petitioner and payment of salary to the staff. As such the penalty is imposed.

5 The AICTE has not found any deficiency and has granted extension of approval for the current academic year. Same is Apex Body for the technical courses.

6 The apex court in the case of ***Rungta Engineering College, Bhilai & Anr. Vs. Chhattisgarh Swami Vivekanand Technical University & Anr.*** under its order dated ***25th September 2014*** in ***Writ Petition (C) No.653 of 2014***, has observed as under:

“43. We are, therefore, of the opinion that the decision of the respondent not to grant the affiliation to the first petitioner college is wholly untenable and is required to be set aside. The same is accordingly set aside. Since the respondent did not decline the affiliation to the first petitioner college either on the ground that the petitioner college is admitting wholly ineligible students as per the norms stipulated by the respondent University or that the admission procedure prescribed by the respondents is not being complied with by the petitioners or on any other ground that the petitioners violated any of the stipulations made by the University which the University is legally competent to make, we have no option but to direct the respondents to grant affiliation to the petitioner college. The operative portion of the judgment of this Court has already been pronounced on 01.9.2014. Therefore, we are not reiterating the same.”

7 The University shall grant affiliation to the Petitioner. The aspect of penalty would be dealt with separately and would be subject to the same.

8 After the affiliation is granted and as the AICTE has already granted extension of approval for the current academic year for all its courses under its order dated 7th July 2022 as referred above, the name of the Petitioner shall be included in the list of colleges entitled

to admit the students, of course, if there is no other impediment.

9 The Writ Petition is accordingly disposed of. No costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)