



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.566 OF 2023

1. Vivekanand Education Society,
Sitasawangi, Tahsil Tumsar,
District Bhandara, through its Secretary.
 2. Vivekanand Polytechnic College,
Sitasawangi, Tahsil Tumsar,
District Bhandara, through its
Principal.
- **PETITIONERS**

...VERSUS...

1. Shri Akhilesh Ghanshyam Tiwari,
Aged about 49 years,
Occupation Private Business,
R/o In front of Central India College of Law,
Godhani, Nagpur – 440003.
 2. The State of Maharashtra, through
its Secretary, Department of Higher
Education, Mantralaya, Mumbai-32.
 3. The Director of Technical Education,
Maharashtra State, Corporation Road,
Mumbai.
- **RESPONDENTS**

Mr. A. Z. Jibhkate, Advocate for Petitioners.
Mr. N. S. Warulkar, Advocate for Respondent No.1.
Mr. H. D. Dube, AGP for Respondent Nos.2 and 3/State.

WRIT PETITION NO.548 OF 2023

1. Vivekanand Education Society's,
Polytechnic, Sita Sawangi, Tah.- Tumsar,
District- Bhandara, through its Principal.

2. Vivekanand Education Society's,
Polytechnic, Sita Sawangi, Tah.- Tumsar,
District- Bhandara,
through its Secretary. **PETITIONERS**

...VERSUS...

Gautam Bhauji Binzade,
Aged about 47 years,
Occ.: Service, R/o At Post- Wadegaon,
Tah. Tiroda, District- Gondia. **RESPONDENT**

Mr. A. D. Mohgaonkar, Advocate for Petitioners.
Mr. N. S. Warulkar, Advocate for Respondent.

CONTEMPT PETITION NO.326 OF 2022

Akhilesh S/o Ghanshyam Tiwari,
Aged about 50 years, Occ.: Nil,
R/o Opposite Anees Ahmad College,
Pioneer Green Court,
Godhani, Nagpur,
District: Nagpur-441123. **PETITIONER**

...VERSUS...

1. Mrs. Kamini Kamlesh Uchibagale,
(Daharwal), Aged about 33 years,
Secretary, Vivekanand Education Society,
Polytechnic Sitasaongi, Tahsil Tumsar,
Dis.: Bhandara.
2. Irshad Ahmad Mohd. Sagir Ansari,
Aged about 42 years,
Principal, Vivekanand Polytechnic College,
Sitasaongi, Tahsil Tumsar,
Dist.: Bhandara.
3. Shri Abhay Wagh,
Director of Technical Education,
Maharashtra State, Corporation Road,
Mumbai. **RESPONDENTS**

Mr. N. S. Warulkar, Advocate for Petitioner.
Mr. A. Z. Jibhkate, Advocate for Respondent Nos.1 and
2.
Mr. H. D. Dube, AGP for Respondent No.3/State.

CONTEMPT PETITION NO.327 OF 2022

Gautam Bhauji Binzade,
Aged about 47 years,
Occ.: Service, R/o At Post- Wadegaon,
Tah. Tiroda, District- Gondia. **PETITIONER**

...V E R S U S...

1. Mrs. Kamini Kamlesh Uchibagale,
(Daharwal), Aged about 33 years,
Secretary, Vivekanand Education Society,
Polytechnic Sitasaongi, Tahsil Tumsar,
Dis.: Bhandara.
2. Irshad Ahmad Mohd. Sagir Ansari,
Aged about 42 years,
Principal, Vivekanand Education Society
Polytechnic, Sitasaongi,
Tahsil Tumsar, District: Bhandara. **RESPONDENTS**

Mr. N. S. Warulkar, Advocate for Petitioner.
Mr. A. D. Mohgaonkar, Advocate for Respondent Nos.1 and
2.

CORAM: **ANIL L. PANSARE, J.**
DATE: **15th JULY, 2024.**

COMMON JUDGMENT:

1. Rule. Rule made returnable forth. Heard finally with

consent of learned counsel appearing for the parties.

2. Having heard both sides for a while, it appears that the issue as to whether the polytechnic college under question was recognized has been answered without considering the provisions of law which were applicable to the college/institution under question.

3. The learned Tribunal has found that the polytechnic college is affiliated with the respondent No.2 therein viz. the Director of Technical Education, Maharashtra State, Mumbai.

4. My attention is invited to the provisions of the Maharashtra State Board of Technical Education Act, 1997 (for short 'Act of 1997') which deals with the affiliation/recognition of Polytechnic Institution. Section 2 (h) of the Act defines Polytechnic or Institution to mean an institution imparting Diploma or Post-Diploma or Post-Graduate Diploma etc. recognized by the Board under the Act. In that sense, the Board under the Act of 1997 would be authorized to recognize the college. The procedure for affiliation is provided under Section 25 of the Act of 1997. The management is required to file application for affiliation to the

Board which is defined under Section 3 of the Act of 1997.

5. Put altogether the polytechnic college under question can only be recognized by the Board established under the Act of 1997. The School Tribunal has not considered this vital aspect but has rendered a finding that the college is affiliated to the Director of Technical Education, Maharashtra State, Mumbai which is not the authority to grant recognition or affiliation to the polytechnic college.

6. In that view of the matter, no further discussion is required. The important issue as regards the recognition of college has been not dealt with in accordance with the applicable provisions of law.

7. The judgments passed by the Tribunal are therefore, liable to be quashed and set aside and as such stands set aside accordingly. The matter is remanded back to the School Tribunal to decide the same afresh in accordance with the provisions of Act of 1997 to first decide the issue of recognition of college and thereafter to proceed to decide the matter in accordance with the provisions of law.

8. Accordingly, the Appeal No.12/2017 and Appeal No.9/2020 are restored on the file of School Tribunal, Nagpur for decision afresh.

9. The parties shall appear before the School Tribunal on 29.07.2024.

10. The School Tribunal may consider to decide the appeal as expeditiously as possible.

11. Since the judgment passed by the School Tribunal has been quashed and set aside, the contempt petitions which are filed for non-compliance of the aforesaid judgments do not survive and accordingly disposed of.

(ANIL L. PANSARE, J.)