

IN THE COURT OF JUDICATURE OF BOMBAY
AURANGABAD BENCH
WRIT PETITION NO. 161 OF 2003

Maharashtra Rajya Pradhyapak Shikshak and
Shikshaketar Karmachari Sanghatna,
Aurangabad through its working President

Petitioner

Versus

1. The State of Maharashtra
2. The Secretary,
Department of Technical Education,
Mantralaya, Mumbai
3. Director of Technical Education
Maharashtra State, Pune.
4. Joint Director of Technical Education
Railway Station Road,
Aurangabad
5. Chairman
All India Council for Technical Education
New Delhi
6. Secretary (Regional)
All India Council for Technical Education
Having its Regional Office, Churchgate, Mumbai
7. Registrar
Dr. Babasaheb Ambedkar Maharashtrawada University
Aurangabad
8. Secretary
Gramodyogik Shikshan Sanstha
Satara Area, Aurangabad
9. Mrs. Maya w/o Shrinivas Vaidya
Age 42 yrs. Occ. - Service
R/o N-5, CIDCO, Aurangbad
10. The Registrar,
University of Mumbai
M.G.Road, Fort,
Mumbai. 400 032
11. The Registrar,
University of Pune
Ganeshkhind,
Pune 411 007
12. The Registrar
Shivaji Univercity,
Vidyanager
Kolhapur 416004

13. The Registrar
North Maharashtra University,
P. B. No. 80
Jalgaon 425001
14. The Registrar
Nagpur University,
Ravindranath Tagore Marg,
Nagpur 440 001
15. The Registrar
Amravati University,
Amravati 444602
16. The Registrar
S.N.D.T. Women's University
Nathibai Thackersey Road
Mumbai 400020
17. The Registrar
Dr. Babasaheb Ambedkar Technological
University, Vidyavihar,
G. O. Goregaon
Lonere 402103

RESPONDENTS

Shri.S.R.Chowlidar,Advocate for the potitioner
Shri Umkant Patil, Asstt Govt.Pleader for Respondent No.1 to 4
Shri.vivek Dhage,Advocate for Respondents No.5 and 6
Shri. K.M.Suryavanshi, Advocate for Respondent No.7
Shri.M.A.Deshpande,Advocate for Respondent No.8
Shri.S.V.Gangapurwala ,Advocate for Respondent No.9
Shri.A.H.Joshi,Advocate for Respondent No.11
Shri.R.V.Ghughe,Advocate for Respondent No.18

Coram : B.H.MARLAPALLE AND
A.S.BAGGA,JJ
Dated: 26th September 2003

ORAL ORDER :

Further to our order dt. 18th July 2003 compliance report has been filed on behalf of Respondent No. 2 to 4. It has been pointed out that, there are six Government run Engineering Colleges and four private but fully aided Engineering Colleges in the State of Maharashtra. So far as the Government Colleges are concerned, the vacancy position of the teaching faculty is as under :

Sr. No.	Name of College	Total No. of Vacancies	Open	Reserved
1	Govt.Engineering College,Pune.	51	25	26
2	Govt.Engineering College,Karad	28	12	16
3	Govt.Engineering /Pharmacy College College, Aurangabad.	43	21	22
4	Govt.Engineering /Pharmacy College College,Amravati.	38	20	18
5	Govt.Engineering College,Jalgaon.	22	10	12
6	Govt.Engineering College,Chandrapur.	19	10	09

The position of vacancies in the aided private Engineering Colleges is under :

Sr. No.	Name of College	Professor	Asst. Professor	Lecturer
1	Sardar Patel Engg.College Mumbai	3	5	10
2	V.J.T.I. Mumbai	8	14	46
3	Walchand Collge Sangli	10	16	32
4	S.G.G.S.Naded	9	6	23

2. While we have noted that, the process of creating of data bank, for different posts, is in progress, the recruitment process to fill in posts of Lecturers, Asst. Professors and Professors initiated by M.P.S.C. was stayed in Writ Petition No. 6362 of 2002, by this Court and the stay order has been vacated on 18th July 2003. The selection process was for, in all, 174 posts and by the time the stay order was passed by this Court, 53 appointments were already made and 85 appointments are now to be made. We direct that, the appointment orders, for the remaining candidates, be issued by the Secretary in the Department of Technical Education, Government of Maharashtra, within a period of four weeks from today.

3. After the M.P.S.C. selected candidates are appointed against the vacant posts, as shown hereinabove in the Government run Engineering Colleges, the remaining posts shall be filled in, on contract basis, as per the scheme announced, by Notification dt. 25th August 2003, as a stop gap arrangement, till regularly selected M.P.S.C. candidates are made available and this process has to be undertaken by the Department of Technical Education alone. In the meanwhile, the Respondents No. 2 and 3 shall approach the M.P.S.C. to initiate fresh process to fill in the balance posts of Professors, Asst. Professors and Lecturers, in the Government Engineering Colleges.

We, therefore, direct the Director, Technical Education, Government of Maharashtra, to complete the process so as to ensure that, the vacant posts of lecturers are filled in, in all the Government Colleges before 31st October 2003.

4. Now, coming to the vacancies as existing in the private aided Engineering Colleges, the Director, Technical Education, shall upon these Engineering Colleges to fill in the posts of Professors, Asst. Professors, on priority basis and, the posts of Lecturers may be filled in, as per the Notification dt. 25th August 2003, till the regularly selected candidates are available and, such appointments shall be purely a stop gap arrangement. Progress report shall be directed to be submitted by these private aided Engineering Colleges to the Joint Director, Technical Education, in the concerned regions. We make it clear that, if these posts are not filled in before the end of the 1st Semester, in the current academic year, we may be constrained to direct the Universities concerned, to issue show cause notice to the respective colleges, for cancellation of their affiliation.

5. Now coming to the un-aided private Engineering Colleges, Shri. Patil, the learned Asst. Govt. Pleader, on instructions, states that their number is about 130, all over the State and, as per the paper prepared by Prof. G. M. Patil and Prof. M. G. Lomte, for being presented in the forthcoming 22nd Statutory Conference of AIFUCTO, scheduled to be held at Mumbai during the next month, it has been pointed out that the vacancy position of teaching faculty in these colleges is dismal and most of them are being run by politicians. These colleges are required to maintain not only the infrastructure but, also strength of the teaching faculty, strictly as per the guidelines laid down by the AICTE and it appears that, these guidelines are being followed only in breach. Even if there are some posts filled in, majority of them are not yet approved. Cadrewise strength of University approved faculty in these colleges all over the State of Maharashtra has been presented by Prof. M. G. Lomte in his paper and the same is as under :

Sr.	University	Teachers required as per rule (1:13)	Existing Strength of Teachers				
			Appr.	Un-appr.	Console	CHB	Total
1	M.U.Mumbai	3540	850	300	380	320	1850
2	P.U.Pune	3020	800	100	550	300	1750
3	N.M.U.Jalgaon	970	160	55	200	60	475
4	S.U.Kolhapur	1275	450	35	230	55	770
5	B.A.M.U.Aurangabad	975	185	15	170	75	445
6	S.R.T.M.U. Nanded	360	100	00	50	15	165
7	A.U.Amrawati	835	350	25	105	20	500
8	N.U.Nagpur	1600	610	160	295	35	1100
9	Bharti Vidyapeeth, Pune	165	65	20	15	10	100
10	SNDT W.U.Mumbai	60	30	00	05	10	45
	TOTAL	12800	3600	700	2000	900	7200
	PERCENTAGE		28%	5.5%	15.5%	7%	56%

In addition, this paper also indicates that, out of 131 un-aided private Engineering Colleges, only 28 of them have appointed Principals, who have been approved by the University and, approvals of 10 such appointments are awaited. In 75 colleges, posts of Principals have not been filled in by regular appointments and, they are being maintained by Incharge Principals. Out of the total required strength of Professors of 1818, only 220 are appointed, Assistant Professors out of 3641, 680 are appointed and Lecturers required number being 7321, only 2700 have been appointed. In terms of percentage, it is indicated that 12% posts of Professors, 19% posts of Asst. Professors and 36% posts of Lecturers have been filled in.

6. On the other hand, when the Government of Maharashtra constituted a Committee for fixing the fee structure of these colleges, the Committee has considered payment of salary in respect of the teaching and non-teaching posts, as required as per the AICTE norms, by following Fifth Pay Commission's recommendations as well as the infrastructure, in terms of Laboratory, Library and other equipments. It is thus clear that these private un-aided colleges have been collecting fees at the rates prescribed by the State Government but have failed to provide the faculty, as well as other infrastructure, as per the norms laid down by AICTE. The Universities concerned are also required to supervise these requirements, which are existing in the private un-aided colleges, which are affiliated to them and if they do not maintain the faculty as required, the Universities have the authority to cancel their affiliation, by following the due process of law. We are informed that these colleges have their own Associations namely -

1. Maharashtra Association of Professional Education Institutions
2. Associations of Managements of Un-Aided Engineering Colleges, and
3. Vidharbha Abhyantriki Mahavidyalaya Association, Nagpur

We, therefore, direct the Universities concerned to issue notices to the respective Un-Aided Private Engineering Colleges within their territories calling upon them to fill in the vacant posts of the teaching faculty and to provide the infrastructure of laboratory and library as expeditiously as possible, and in any case, before 31st Dec. 2003, failing which their affiliation may be withdrawn. Such notices be issued within two weeks from today, we also allow leave to amend and include the following three additional respondents. Registry to issue them notice returnable on 10th Nov. 2003.

1. The President, Maharashtra Association of Education Institutions
C/o Maharashtra Institute of Technology,
S. No. 124, Paud Road, Ex-Servicemen Colony,
Kothrud,
Pune 411038
2. The President
Association of Managements of Un-Aided Engineering Colleges
C/o K. K. Wagh Education Society,
Hirabai Haridas Vidyanagari,
Amrut Dhara, Panchavati,
Nashik 411043
3. Secretary
Vidarbha Abhyantriki Mahavidyalaya Association,
G. H. Raison College of Engineering,
C. R. P. F. Gate No. 3, Digdoh Hills,
Hingana Road,
Nagpur 440016

S. O. to 10th Nov. 2003

(A. S. BAGGA)
JUDGE

(B. H. MARLAPALLE)
JUDGE