

## **Maharashtra State Board Of Technical Education Act, 1997**

**38 of 1997**

**[06 August 1997]**

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**SCHEDULE 1 :-** SCHEDULE I

**Maharashtra State Board Of Technical Education Act, 1997**

**[06 August 1997]**

An Act to provide for establishment of a State Board to regulate matters pertaining to Diploma Level Technical Education in the State of Maharashtra. WHEREAS it is expedient to provide for establishment of a State Board to regulate matters pertaining to Diploma Level Technical Education in the State of Maharashtra and for other matters connected therewith hereinafter appearing; It is hereby enacted in the Forty-eighth Year of the Republic of India as follows:- 1 For Statement of Objects and Reasons, See Maharashtra Government Gazette, Extraordinary. Part V. Page 478. This indicates the date of commencement of Act.

CHAPTER 1  
Preliminary

**1. Short Title Extent And Commencement :-**

(1) This Act may be called the Maharashtra State Board of Technical Education Act, 1997.

(2) It extends to the whole of the State of Maharashtra.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

1 1st day of April 1999, vide G.N., H and T. E. D., No. EXM. 2596/2148/(3-96)/TE-2, dated the 30th March 1999.

**2. Definitions :-**

In this Act, unless the context otherwise requires-

(a) "appointed day" means the date on which the remaining provisions other than section 1 of this Act come into force under sub-section (3) of section 1;

(b) "Board" means the Maharashtra State Board of Technical Education established under section 3;

(c) "bye-laws" means bye-laws made by the Board under section 48;

(d) "Diploma Level Technical Education" means such Technical Engineering education which follows the Secondary, Higher Secondary, Engineering, or Technology Diploma Education, as the case may be, to attain Diploma or Post-Diploma or Post-Graduate diploma or Advanced Diploma Level Engineering or Technology or Management or any other education specified by the Board;

1[d-a] "Director" means Director of the Maharashtra State Board of Technical Education appointed under section 6(1);

- (e) "Examination" means one or more examinations conducted by the Board;
- (f) "Government" means the Government of Maharashtra;
- 2[(f-a) "Governing Council" means the Governing Council of the Maharashtra State Board of Technical Education established under section7A;]
- (g) "Head of Institute" or "Principal" means the Head of the teaching staff of a Polytechnic or Diploma Level Institution recognised by the Board, by whatever name designated;
- (h) "Polytechnic or Institution" means an institution imparting Diploma or Post-Diploma or Post-Graduate-Diploma or Advanced Diploma in Engineering or Technology or Management Education recognized by the Board under this Act;
- (i) "prescribed" means the prescribed by regulations made under this Act;
- (j) "region" means the area comprised in each of the three regions as specified in the Scheduled to this Act;
- (k) "regulations" means the regulations made by the Government under section47 and by the Board under section46;
- (l) "teacher" means a member of the teaching staff (other than Principal or the Head of Institute of a Diploma Level Institution) recognised by the Board.

1 This clause was inserted by Mah. 1 of 2003, s. 2 (a).

2 This clause was inserted, by Mah. 1 of 2003, s. 2 (b).

## CHAPTER 2

Establishment and Constitution of the Governing Council and Board

### **3. Establishment Of Board :-**

1[The Government shall, by notification in the Official Gazette, establish for the purposes of this Act a Board to be called the Maharashtra State Board of Technical Education.]

1 These words were substituted for the word "Board" *ibid*, s. 3.

### **4. Incorporation Of Board :-**

The Board established under section3 shall be a body corporate having perpetual succession and a common seal, and shall have power to contract, to acquire hold and dispose of property, both movable and immovable, and to do all things necessary for the purpose of this Act and may sue and be sued by its corporate name.

## **5. Constitution Of Board :-**

1[(1) The Board shall consist of,--

(a) the Director, Technical Education, Maharashtra State as the Chairman:

(b) the Director, Maharashtra State Board of Technical Education as the Member-Secretary; and

(c) the following members, namely:--

Class A - Ex-officio Members

(i) The Chairman of the Maharashtra State Board of Secondary and Higher Secondary Education or his nominee not below the rank of the Chairman of the Divisional Board;

(ii) The Director of Industries, Maharashtra State or his nominee not below the rank of Joint Director;

(iii) One representative of the State Nodal Centre for National Technical Manpower Information System;

(iv) The Regional Officer (Western Region) of All India Council of Technical Education, New Delhi;

(v) The Director, Board of Apprenticeship Training (Western Region), Government of India, Ministry of Human Resources Development;

(vi) The Joint Secretary to Government, Higher and Technical Education Department or his nominee not below the rank of Deputy Secretary.

Class B- Nominated Members

(i) One senior most Principal from Government Engineering Colleges in the State, to be nominated by the Government.

(ii) Two members to be nominated by the Government from amongst the Principals and Heads of Institutes, one each from Government or aided and un-aided Polytechnics, of whom at least one shall be a woman.

(iii) Two members to be nominated by the Government from amongst the teachers, one each from Government or aided and un-aided Polytechnics, of whom at least one shall be from Backward Class Community.

(iv) Three members to be nominated by the Government from the professional bodies, one from each revenue region by rotation.

(v) Six members to be nominated by the Government from amongst the associations of Industries, who are entrepreneurs of Small Scale Industries, Information Technology, Biotechnology, Gems and Jewellery, Pharmacy and Hotel Management, at least two of whom shall be from out of the Mumbai and Pune regions:

Provided that, a person shall cease to hold office as a member of the Board, as soon as he ceases to hold the post, designation or office, as the case may be, by virtue of which he is so appointed and such person shall inform the Chairman in writing of his having so ceased to be the member of the Board, within a week therefrom.

(2) The names of the person other than the ex officio members, who have been nominated, from time to time, as members of the Board, shall be published by the Government in the Official Gazette.

(3) On the publication of the Maharashtra State Board of Technical Education (Amendment) Act, 2002, the existing members of the Board shall be deemed to have vacated their offices on the said date.]

1 This section was substituted, by Mah. 1 of 2003, s. 4.

## **6. Appointment And Term Of Office And Condition Of The Service Of Director :-**

1[(1) The Board shall have a Director who shall be appointed by the Government from amongst the Joint Directors of Technical Education of the Government having minimum experience of not less than two years in the post of Joint Director or the post equivalent thereto.

(2) The Director shall hold office for a term of five years from the date of the publication of his name in the Official Gazette.

(3) Nothing in sub-section (2) shall affect the power of Government to transfer, in the exigencies of public service, the Director to any other post under Government during such term; and if the Director, is superannuated in the service of the Government he shall cease to be the Director, unless his services are extended or he is re-employed in the service of the Government and he is not transferred to some other post.

(4) The Government may, from time to time, extend the term of office of the Director of the Board, so, however, that the aggregate period of the term shall not exceed ten years.

(5) The Director shall be an employees of the Government, equivalent to the status of the Joint Director of Technical Education of the Government and other conditions of service of the Director shall be such as may be determined by the Government.

(6) Where a temporary vacancy of the Director occurs by reason of leave, illness or other cause, the Government may appoint another person to be the Director].

1 This section was substituted by Mah. 1 of 2003, s. 5.

## **7. Term Of Office Of And Allowances To Members Of Board :-**

(1) The member of the Board, other than the ex officio member, shall hold office for a term of 1[ five years] from the date on which their names are published in the Official Gazette.

(2) The term of office of outgoing member shall extend to, an expire with, the day immediately preceding the date on which the names of their successors are published in the Official Gazette.

(3) The members shall be entitled to such compensatory allowances as may be determined by regulations.

1 These word were substituted for the words "four years", by Mah. 1 Of 2003 s. 6.

## **7A. Establishment Of Governing Council :-**

1[(1) The Government shall, by notification in the Official Gazette establish the Governing Council which shall be an apex body to control and monitor the matters pertaining to Diploma level technical education and examination at State level.

(2) The Governing Council shall consist of the following, namely:-

(i)	The Minister of Higher and Technical .. Education, Maharashtra State.	President;
(ii)	The Minister of State for Higher and Technical Education.	Vice-President;
(iii)	The Secretary, Higher and Technical .. Education Department or his nominee, not below the rank of Deputy Secretary.	Member;.
(iv)	Three Industrialists nominated by the Government.	Members;
(v)	The Director of Technical Education, .. Maharashtra State.	Member;
(vi)	The Secretary, Maharashtra State .. Board of Technical Education.	Member;
(vii)	The Director, Maharashtra State Board of Technical Education.	Ex officio member-Secretary.

(3)The names of the persons other than the ex officio members, who have been nominated, from time to time, as members of the Governing Council, shall be published by the Government in the Official Gazette.

(4) The term of the nominated members of the Governing Council shall be for a period of five years unless terminated earlier by the State Government.

(5) The Governing Council shall meet not less than twice in every year, and a period of not more than six months shall intervene between two successive meetings.

(6) The nominated members shall receive such allowances, as may be determined by the Government, for meeing the personal expenditure in attending the

meetings or in performing any other functions as members.]

1 This Section was inserted, *ibid.*, s. 7.

## **8. Disqualification Of Chairman And Members Of Board :-**

A person shall be disqualified for being appointed or nominated as, or for continuing as, the Chairman or a member of the Board or any Committee appointed under this Act,-

(a) if he directly or indirectly, by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Board;

(b) if he is a person against whom an order of removal from office has been made under section 11:

Provided that, a person against whom such order is made, shall not be deemed to have been disqualified under this clause, if five years, or such lesser period as the Government may specify, has elapsed from the date of his removal from office.

## **9. Casual Vacancies :-**

All casual vacancies in office of the members of the Board 1[Governing Council] or any Committee constituted by the Board shall be filled as soon as may be, by nomination or appointment, as the case may be; and the person nominated or appointed in a vacancy shall hold office so long only as the member in whose place he is nominated or appointed would have held it, if the vacancy had not occurred.

1 These words were inserted, by Mah. 1 of 2003, s. 8.

## **10. Resignation Of Member :-**

A member of the Board, 1[ the Governing Council,] except the ex officio member, may resign his office at any time by tendering his resignation in writing to the Chairman of the Board 2[or the President of the Governing Council, as the case may be,] and such member shall be deemed to have vacated his office as soon as the 3[ Chairman or the President, as the case may be, has] received his resignation.

1 These words were inserted, *ibid* s. 9 (a).

2 These words were inserted *ibid* s. 9 (b).

3 These words were substituted, for the words "Chairman has *ibid* s. 9 (c).

## **11. Removal Of Member :-**



(1) The Government may, on the recommendation of the Board, and after making such further inquiry, as it may think fit to make, by order, remove any member of the Board or any Committee thereof, if such member,-

(a) has been convicted by a Court in India for any offence involving moral turpitude; or

(b) is an undischarged insolvent; or

(c) has been declared physically disabled by such medical authority as the Government may specify; or

(d) is of unsound mind and stands so declared by a competent Court; or

(e) is acting in a way detrimental to the aims and objects of the Board:

Provided that, no such recommendation shall be made by the Board or no order shall be made under clause (e) unless he has been given a reasonable opportunity of showing cause why such recommendation or order should not be made.

(2) The Government may suo moto by order remove any member of the Board or any Committee, nominated or appointed, whose activities are, in the opinion of the Government detrimental to, or obstruct, the proper functioning of the Board or of any Committee thereof:

Provided that, no member shall be removed from office unless he has been given a reasonable opportunity of showing cause why such order should not be made against him.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the nominated member of the Board shall hold office during the pleasure of the Government and shall be removed at any time by the Government, if it deems fit.

## **12. Meetings Of Board :-**

(1) The Board shall meet not less than twice in every year, and six months shall not intervene between two successive meetings.

(2) The Chairman of the Board may at any time in the exigencies so demand, and upon a written request made by not less than one-third of the total number of members of the Board shall call a special meeting of the Board; on a date not later than twenty-one days after the receipt of such request by the Chairman.

## **13. Vacancy Of Chairman Or Member Owing To Disqualification :-**

If the Chairman or a member of the Board or any Committee becomes subject to any of the disqualifications mentioned in section 8, his office shall thereupon be declared vacant by the Government.

**14. Vacancy Of Member Owing To Absence Without Permission :-**

If a member nominated or appointed to the Board remains absent without permission of the Board from three consecutive meetings thereof, his office shall thereupon become vacant and shall be so declared by the Chairman.

**15. Decision On Question As To Vacancy :-**

In case of any dispute as to whether the office of the Chairman or a member has become vacant under section 13 or 14, the decision of the Government in the matter shall be final.

**16. Acts And Proceedings Not Invalidated By Vancancies Or Defects In Constitution :-**

No act or proceedings of the Board or any Committee shall be invalid merely by reason of any vacancy in or any defect in the constitution of such Board or Committee.

**17. Power To Invite Experts And Officers At Meeting :-**

The Board may invite any person who in its opinion is an expert in the field of education or any officer of the Government, to attend its meeting or of its Committee, if the subject with which the expert or officer is concerned is likely to come up for discussion or consideration at such meeting.

**18. Constitution Of Committees :-**

(1) The Board shall consist of the following Committees, namely:-.

- (a) Academic Committee;
- (b) Finance Committee;
- (c) Course Committees; not exceeding 20;
- (d) Equivalence Committee;
- (e) Special Committee.

(2) The Board may constitute such other Committees as it thinks

necessary for efficient performance of its functions.

(3) The number of members of every Committee constituted by the Board, the term of office of its members and the duties and functions to be discharged by such Committee shall be such as may be prescribed.

**19. Board To Absorb Certain Staff And To Assume Obligations Of Government In Respect Of Matters To Which, This Act Applies :-**

(1) The Board shall take over and employ such of the existing staff on the date of the establishment of the Board, except the Secretary, Joint Secretary (Technical), Deputy Secretary (Technical), Assistant Secretary (Technical) and Finance Officer, Controller of Examinations, Accounts Officers and Systems Analysts, serving for the purposes of the Board of the Technical Examination, Maharashtra State (hereinafter referred to as "the Existing Board"), constituted by the Government Resolution, Education and Social Welfare Department. No. EXM-7260-K; dated the 7th January 1963, as the State Government may direct, and every person so taken over and employed shall be subject to the provisions of this Act and the regulations made thereunder:

Provided that,-

(a) such staff gives option, within the prescribed time limit to continue in the services of the Board;

(b) during the period of such employment all matters, relating to the pay, leave, retirement, allowances, pension, provident fund and other conditions of service of the members of the said staff shall be regulated by the Maharashtra Civil Services Rules or such other rules as may, from time to time, be made by the Government;

(c) any such member shall have right of appeal to the Government against the order of rejection, dismissal or removal from service, fine or any other punishment.

(2) Permanent employees of the existing Board if exercise option in favour of the Government service, they shall be absorbed within a period of two years under the Directorate of Technical Education in any of its offices or institution where the vacancy exists.

(3) All expenditure which the existing Board may have incurred before appointed day in connection with any of the purposes of the existing Board shall be deemed to be advanced towards capital expenditure by the Government to the Board under section 37 on that date, and all assets acquired by such expenditure shall vest

into the Board.

(4) All property, moveable or immovable, and all rights, and interests of whatsoever kind, and powers and privileges of the existing Board shall stand transferred and shall, vest in the Board and be applied for the objects and purposes for which the Board is constituted.

(5) All obligations incurred, all contracts entered into and all matters and things engaged to be done, before the first constitution of the Board by, with or for, the State Government or the existing Board for any of the purposes of this Act, in respect of any scheme for the promotion of the technical education in the State of Maharashtra shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Board and accordingly all claims made, or suits or legal proceedings instituted or which might have been instituted by or against the State Government or the existing Board, as the case may be, continued or instituted by or against the Board.

**20. Appointment, Powers, And Duties Of Secretary, Joint And Deputy Secretaries, Assistant Secretaries, Controller Of Examination, System Analysts, Finance Officers And Account Officers :-**

(1) The Board shall have the Secretary, who shall be appointed by the Government.

(2) The Secretary shall, subject to the control of the Chairman, be the Executive Officer of the Board, and all other officers and servants, for the time being, serving under the Board shall be subordinate to him.

(3) The Secretary shall be entitled to be present at the meetings of the Board and shall be the Member-Secretary of the Board.

(4) The Secretary shall exercise such other powers and perform such other duties as may be made by regulation.

(5) The Government shall appoint the required number of technical staff such as Joint Secretaries, Deputy Secretaries, Assistant Secretaries, Controller of Examinations, System Analysts, Finance Officers and Accounts Officers for the Board on the recommendation of the Board.

(6) A Joint Secretary (Technical), Deputy Secretary (Technical) and Assistant Secretary (Technical), Controller of Examinations, System Analysts, Finance Officers shall exercise such powers and perform such duties of the Secretary as are, respectively assigned to them

by the Secretary under the general or special orders.

(7) The Secretary, Joint Secretaries (Technical), Deputy Secretaries (Technical) and Assistant Secretaries (Technical), Controller of Examinations, System Analysts and Finance Officers and Accounts Officers appointed under this Act shall be the servants of the Government, and the salaries and allowances and other conditions of service of these officers shall be such as may be determined by the Government.

### CHAPTER 3

#### Powers and Duties of the Governing Council and Board

### **21. Other Officers And Servants Of Board :-**

(1) The Board may, with the approval of the Government appoint such other officers and servants as it considers necessary for the efficient performance of its functions under this Act.

(2) The salaries, allowances and other conditions of service of the officers and servants appointed under sub-section (1) shall be such as may be determined by the Board by regulations.

### **21A. Powers And Duties Of Governing Council :-**

1[2[Subject to the provision of this Act, the powers and duties of the Governing Council shall be as follows, namely:-

- (a) to act on the matters referred by the Board and to approve the recommendations and decisions of the Board for implementation;
- (b) to prepare perspective development plan in consultation with industry;
- (c) to approve matters related to staff regulations and approval thereof;
- (d) to recommend the Government to carry test audit of accounts of the Boards regularly and at such intervals as the Governing Council may deem fit;
- (e) to decide accreditation policy Of the institutes;
- (f) to exercise the powers related to financial matters which are referred by the Board;
- (g) to approve the budget recommended by the Board;
- (h) to give directions to the Board in respect of the implementation of various policy decisions taken by the Government, from time to time;
- (i) to approve the rules and procedures for appointment of officers and other employees of the Board, their qualifications, terms and conditions of services including conduct, discipline and duties, mode of recruitment, pay scales;
- (j) to recommend the Government to conduct an enquiry in respect of any matter concerning the proper conduct, working and finances of the institutes under the Board.]

1 These words were substituted for the word "Board" by Mah. 1 of 2003, s. 10.

2 This section was inserted, *ibid.*, s. 11.

### **22. Powers And Duties Of Board :-**

Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely:--

- (a) to advise the Government on matters of policy relating to Diploma Level Technical Education in general, and on the following matters, in particular, namely:--
- (i) co-ordination between national policies and State policies in Diploma Level Technical Education;
  - (ii) co-ordination between Secondary, Higher Secondary, Degree Education and Diploma Level Education;
  - (iii) to maintain uniform standard of Diploma Level Technical Education;
  - (iv) to promote Industry Institute inter-action;
- (b) to lay down guiding principles for determining curricula and syllabi and also to prepare the detailed curricula and syllabi for Diploma Level Technical Education, for all categories, such as, regular, sandwich, part-time, correspondence course, yearly, semester pattern and the like;
- (c) to prescribe and regulate standard requirements in respect of staff buildings, furnitures, equipment, stationery and other things required for Diploma Level Institutions;
- (d) to prescribe and develop any book as text book and reference book or to prepare or cause to be prepared any book and print or non-print material or to publish directly or in collaboration with any other agency, any kind of learning material for Diploma level courses;
- (e) to prescribe the general conditions governing admission of regular candidates and ex-candidates to the examinations and to specify the conditions relating to eligibility, attendance, term-work and character, on the fulfillment of which a candidate shall have a right to be admitted to and to appear at any such examination;
- (f) to award certificates to candidates passing the Diploma final examination;
- (g) to institute and to award scholarships, fellowships, stipends, medals prizes and other rewards as also to prescribe conditions therefor;
- (h) to receive bequests, donations, endowments, trusts and other transfers of any property, or interest therein, or right thereto;
- (i) to hold any property, interest or right referred to in clause (h) above and to manage and deal with the same;
- (j) to fix demand and receive such fees and penalties as may be prescribed;
- (k) to call for special reports and information from the Director of Technical Education or from officers of the Technical Education Department of the Government, and to call for any information

from any Diploma Level Institution, recognised by the Board to ensure maintenance and improvement in academic standard in Diploma Level Technical Education;

(l) to recommend measures to promote physical, moral and social welfare of students in institutions recognized by the Board, and to prescribe conditions of their residence and discipline;

1[(m) to appoint the staff except the posts mentioned in sub-section (7) of section 20 as per the regulations;]

(n) to constitute provident fund for the benefit of the officers and employees of the Board;

(o) to approve the annual financial statement pertaining to the Board and to recommend to the 2[Governing Council ] for sanction, the annual budget;

(p) to inspect and supervise generally the working of the Regional Officer and to inspect periodically the accounts thereof;

(q) to conduct statistical and other research or training programmes for the purposes of design, development, implementation and evaluation of the curriculum, teaching learning process and examination in collaboration with any agency within or outside India;

(r) to appoint such Committees as it may think necessary for the efficient discharge of its functions under this Act;

(s) to make regulations for the purpose of carrying out effectively the provisions of this Act;

(t) to make bye-laws relating to matters such as procedure to be followed by the Board, their committees and any other matter solely concerning the Board and their Committees that are not provided for by or under this Act and the regulations made thereunder;

(u) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act;

(v) to make regulation 3[with the approval of the Governing Council] for granting of academic autonomy to institute, reviewing or revoking of autonomy granted;

(w) to carry out all such acts as may be necessary to achieve the objective of this Act so as to improve, extend, expand the Diploma Level Technical Education in the State and to maintain and improve standard of Diploma Level Technical Education;

(x) to make regulation for granting affiliation, accreditation, autonomous status, equivalence, eligibility to institutes and reviewing or revoking affiliation or accreditation or equivalence, or autonomous status or eligibility;

- (y) to demand and receive such fees as may be prescribed for candidates admitted to the examination, affiliation, to accredit, conferring autonomy, equivalence;
- (z) to conduct the examinations of the Board;
- (za) to appoint paper-setters, examiners, moderators, supervisors and other necessary personnel for conducting examination, assessment of candidates performance and for compiling and release of results;
- (zb) to admit candidates for the examination according to the regulations;
- (zc) to open centres within its jurisdiction for examination conducted by it;
- (zd) to declare the result of the candidates appearing at the examinations conducted on such date or dates as may be fixed;
- (ze) to prepare a list of candidates according to merit;
- (zf) to deal with cases of use of unfair means according to the procedure laid down;
- (zg) to evaluate generally the performance of students and Institutes in all examinations including the final examination in Diploma Level Technical Institute;
- (zh) to call for any information from any Diploma Level Institutions recognised by it to ensure maintenance of academic standard, to call for special reports, and information from the Regional Joint Director of Technical Education concerned on Diploma Level Institutions recognized by it but not maintaining the required academic standard and to recommend to the Directorate of Technical Education, withdrawal of recognition granted under the administrative order of the Technical Education Department of the Government, in cases of poor academic results and grave academic irregularities;
- (zi) to require institutions recognized by the Technical Education Department of the Government to extend their co-operation in the conduct of the examination and to withdraw the privileges of the Board from any institution, which fails to place at its disposal the facilities required to conduct examination after giving it a reasonable opportunity of showing cause why such orders should not be made; and
- (zj) to create, own, hold or hire any property or infrastructure required for--
  - (i) functioning of Board office,
  - (ii) functioning of regional offices,
  - (iii) providing residential accommodation to officers and staff of the



Board;

4[(zk) to plan and monitor academic performance;

(zl) to propose the need-based courses, special courses for self-employment, courses for rural, deprived persons and women;

(zm) to propose to confer autonomy to deserving institutions.]

1 This clause was substituted by Mah. 1 of 2003, s. 12(a).

2 These words were substituted for the word "Government" by Man. 1 of 2003 s. 12 (b)

3 These words were inserted, *ibid.*, s. 12 (c).

4 These clauses were added by Mah. 1 of 2003, s. 12 (d).

### **23. Powers And Duties Of Director Of Board :-**

(1) It shall be the duty of the 1[Director] of the Board to ensure that the provisions of the Act and the regulations and bye-laws made thereunder, are faithfully observed, and he shall have all powers necessary for this purpose.

(2) In an emergency which, in the opinion of the 1[Director] of the Board, require that immediate action should be taken, the2[Director] shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.

(3) The2[Director] shall exercise such other powers and perform such other duties as may be prescribed.

2 This word was substituted, for the word "Chairman" *ibid.*, s. 13 (b).

### **24. Powers Of Government To Issue Directions :-**

(1) The Government shall have the power, after considering the advice (if any) tendered by the Board, to issue such directions as it may consider necessary in regard to all or any of the matters specified in clause (a) of section22. The Board concerned shall comply with such directions.

(2) The Government shall have also the right to address the Board with reference to anything it has conducted or done, or is conducting or doing or intends to conduct or do, and to communicate to the Board its views in the matter.

(3)The Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.

(4) If the Board does not take action within a reasonable time, to the satisfaction of the Government, the Government may after considering any explanation furnished or representation made by

the Board, issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

(5) In an emergency which, in the opinion of the Government, requires that immediate action should be taken, the Government may take such action consistent with this Act as it deems necessary without previous consultation with the Board and shall forthwith inform it of the action taken.

(6) The Government may, by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of the Board and prohibit the doing of the action ordered to be or purporting to be ordered to be done by the Board if the Government is of the opinion that such resolution, order or act, is in excess of the powers conferred by or under this Act upon the Board.

#### CHAPTER 4

Permission, Affiliation, Conferring Autonomous Status and Equivalence

### **25. Conditions Of Affiliation :-**

(1) The management applying for affiliation and management whose institution has been granted affiliation for a period specified, shall give and comply with the following undertaking,--

(a) that the provisions of the Act and regulations thereunder and the standing orders and directions of the Board shall be observed;

(b) that there shall be a separate local managing committee provided for an affiliated polytechnic or institution;

(c) that the number of students admitted for courses of study shall not exceed the limits prescribed by the Board and the Government, from time to time;

(d) that, there shall be suitable and adequate physical facilities such as buildings, laboratories, libraries, books, equipment required for teaching and research, hostels, gymnasium, as may be prescribed;

(e) that the financial resources of the institution shall be such as to make due provision for its continued maintenance and working;

(f) that the strength and qualifications of teaching and non-teaching staff of the affiliated recognised institutions and the emoluments and the terms and conditions of service of the staff of affiliated institutions shall be such as prescribed by the Board and which shall be sufficient to make due provision for courses of study, teaching or training or research efficiently;

(g) that the services of all teaching and non-teaching employees

and the facilities of the institution to be affiliated shall be made available for conducting examinations and for promoting other activities of the Board;

(h) that the directions, and orders issued by the Chairman and other officers of the Board in exercise of the powers conferred on them under the provisions of the Act, and regulations shall be complied with;

(i) that there shall be no change or transfer of the management without previous permission of the Board;

(j) that institution shall not be closed without previous permission of the Board;

(k) that in the event of disaffiliation or derecognition or closure of the polytechnic or institution under section 32 or 35, as the case may be, all the assets of the institution including buildings and equipments which have been constructed or created out of the amount paid as a grant-in-aid by the Government shall vest in the Government.

(2) No institution which is part of another Board shall be considered for affiliation unless a "no objection certificate" is given by the parent Board.

## **26. Procedure For Permission :-**

(3) The management seeking permission to open a new institution shall apply in the prescribed form to the Member-Secretary 2 [of the Board] before the last day of October of the year preceding the year from which the permission is sought.

(4) All such application received within the afore Said prescribed time-limit, shall be scrutinised by the Board and be forwarded to the Government on or before the last day of December of the year.

(5) Out of the applications recommended by the Board, the Government may grant permission to such institutions as it may consider right and proper in its absolute discretion, taking into account the Governments, budgetary resources, the suitability of the managements seeking permission to open new institutions and the State level priorities with regard to location of institutions of Technical Education:

Provided, however, that in exceptional cases and for the reasons to be recorded in writing, any application not recommended by the Board may be approved by the Government for starting a new Institution of Technical Education.

(6) No application shall be entertained directly by the Government

for the grant of permission for opening new Institution of Technical Education.

1 Sub-sections (1) and (2) were deleted by Mah. 1 of 2003, s. 14 (a).

2 These words were inserted by Man. 1 of 2003, s. 14(d).

## **27. Procedure For Affiliation :-**

(1) On receipt of the permission from the Government under section 26 the Board shall consider grant of first time affiliation to the new institution by following the prescribed procedure given in sub-section (2) and after taking into account whether and the extent to which the stipulated conditions have been fulfilled by the institution. The decisions of the Board in this regard shall be final.

(2) For the purpose of considering the application for the grant of affiliation, the Board shall cause an inquiry by a committee constituted for the purpose by it.

(3) The Board shall decide,-

(a) whether affiliation should be granted or rejected;

(b) whether affiliation should be granted in whole or part;

(c) subjects, courses of study and the number of students to be admitted;

(d) conditions, if any, which may be stipulated while granting the affiliation.

(4) The Member-Secretary shall communicate the decision of the Board with a copy to the Director of Technical Education, and if the application for affiliation is granted, along with an intimation regarding-

(a) the subjects and the courses of study approved for affiliation;

(b) the number of students to be admitted;

(c) the conditions, if any, subject to the fulfilment of which the approval is granted.

(5) The procedure referred to in section 26 shall apply, mutatis-mutandis, for the permission to open new courses, additional faculties, new subjects and additional divisions.

(6) No student shall be admitted by the institution unless the first time affiliation has been granted by the Board.

(7) The procedure referred to in sub-sections (1) to (4) shall apply, mutatis-mutandis, for the consideration of continuation of affiliation, from time to time.

## **28. Continuation Of Affiliation :-**

The affiliated institution may apply for continuation of affiliation for the courses of study for which affiliation was granted ordinarily six months prior to the date of expiry of such affiliation. The Board shall follow the procedure specified in sections 25, 26 and 27 so far as applicable for grant of affiliation.

### **29. Extension Of Affiliation :-**

The affiliated institution may apply for affiliation for additional courses of study. The Board shall follow the procedure as specified in sections 25, 26 and 27 so far as may be applicable for grant of affiliation.

### **30. Permanent Affiliation And Recognition :-**

The affiliated institution with at least six years standing as an affiliated Institution may apply for permanent affiliation. The Board shall consider and scrutinise the application and if satisfied that the affiliated institution has fulfilled all the conditions of affiliation satisfactorily, and has attained high academic and administrative standards as prescribed by the Board, from time to time, the Board shall grant permanent affiliation to the institution.

### **31. Inspection Of Institutions And Report :-**

(1) Every affiliated institution shall furnish such reports, returns and other particulars as the Board may require for enabling it to judge the academic standard and standards of academic administration of the institution.

(2) The 1[ Director] shall cause every affiliated institution to be inspected, at least once in every three years, by one or more committees appointed by him in that behalf.

1 This word was substituted for the word "Chairman" by Mah; 1 of 2003, s 15.

### **32. Withdrawal Of Affiliation Or Recognition :-**

(1) If an affiliated institution fails to comply with the conditions of affiliation as provided in section 25, the Board may issue a notice to the management to show cause as to why the privileges conferred on the institution by affiliation should not be withdrawn in part or in whole or modified.

(2) The Board shall mention the grounds on which it proposes to take the above mentioned action and shall send a copy of the

notice to the Principal or the head of institution. It shall also specify in the notice, the period being a period which shall not be less than thirty days within which the management should file its written statement in reply to the notice.

(3) On receipt of such written statement or on expiry of the period specified in the notice issued under sub-section (1), the Board shall take action, if any, for withdrawal or modification of such privileges.

(4) The Board shall, having regard to the interest of students studying in the institutions, recommend to the Government the action to be taken in that behalf and the Government shall, thereafter, proceed to implement the recommendations.

### **33. Conferment Of Autonomous Status :-**

(1) The recognised Polytechnic or Institution considering itself eligible for autonomous status shall apply to the Secretary of Board on or before 31st August, of the year preceding the year from which the autonomous status is applied for in the form, prescribed by the Board.

(2) The Secretary shall place the applications before the Academic Committee and the Committee shall scrutinise an application form and decide, having referred to the criteria mentioned above, whether there is prima facie case for consideration of the application. If the Academic Committee decides that there is a prima facie case, it shall conduct a local enquiry also by way of discussion with Principal, staff and students of Polytechnic or Institute.

(3) The local enquiry shall be on the points under criteria and to assess whether facilities exist as per norms etc. wherever specified and additional information that the Committee may find necessary.

(4) The Secretary of the Board shall place the application and the report of Academic Committee on scrutiny of application and local enquiry before the Board in its meeting which shall pass a resolution recording whether the report be accepted or rejected. If the Board reject the application and report by majority or unanimously and decides not to recommend conferment of autonomous status, it shall record the reason therefor. If the Board proposes to grant the application and recommend conferment of autonomous status, it shall pass a resolution to that effect and also specify the conditions subject to which autonomous status shall be conferred.

(5) The Secretary of the Board shall submit within a period of one month to the Secretary, Higher and Technical Education of Government such recommendations of the Board along with a copy of the resolution and such other records to be decided by the Board, for approval.

(6) On receiving approval from the Government for conferment of autonomy on the applicant Polytechnic or Institute, the Secretary of the Board shall inform the Polytechnic or Institute concerned, the matter in writing with conditions, if any.

(7) Rejection of conferment of autonomy is also to be intimated to the concerned Polytechnic or Institute.

The activities in sub-sections (1) to (7) are to be completed within ten months from the last date of receipt of the applications for conferment of an autonomy.

(8) Any guidelines, rules, regulations, etc, on autonomy provided by All India Council of Technical Education, New Delhi, from time to time, shall become applicable to the Polytechnic or Institute seeking autonomy and to the Polytechnic or Institute on which the status of autonomy is already conferred.

#### **34. Equivalence And Eligibility :-**

(1) The institutions granted autonomy shall be required to obtain equivalence for their courses and programmes from the Board

(2) The Autonomous Institutions shall get their curriculum, teaching and examination scheme approved by the Board, from time to time.

(3) The Board shall carry out inspection of such Autonomous Institutions at least once in three years.

(4) The Board shall monitor all academic and examination related activities of the Autonomous Institutions such as curriculum, teaching examination scheme, teaching hours, academic schedule, eligibility of candidate to appear for the examination, etc.

(5) The Governing Body and other committees of Autonomous Polytechnic or Institution shall have representative from the Board on such committees.

(6) The Board shall grant equivalence for the purpose of employment education to any Diploma, Post Diploma, Post Graduate Diploma, Advance Diploma or any such programme conducted by any Government recognised institute under any similar Board or University or any examination authority located in Maharashtra, outside Maharashtra or outside India on the basis of

scrutiny of curriculum.

(7) The Board shall, wherever necessary obtain equivalence for any Diploma, Post Diploma, Post Graduate Diploma, Advance Diploma or any such programme conducted by the Board from any similar Board, College, University or any other Examination Authority within or outside India

(8) The Board shall issue eligibility certificate on the basis of equivalence granted to any course or programme.

### **35. Closure Of Institution :-**

(1) No management of an institution shall be allowed to close down the institution without prior permission of the Government.

(2) The management desires of closing down the institution shall apply to the Board on or before the first day of August of the preceding year, stating fully the grounds for closure, and pointing out the assets in the form of building and equipments, their original costs, the prevailing market value and the grants so far received by it from the Government or from public funding agencies.

On receipt of such an application, the Board shall cause to make enquiries as it may deem fit, to assess and determine whether the institution be permitted to effect the closure. The Board may, examine whether the closure should be avoided by providing necessary assistance or taking over of the institute by the Government or transferring it to another management

(4) If the Board decides to recommend the closure, it shall prepare and submit to the Government, a report on the extent of damages or compensation to be recovered from the management and whether the assets created utilising the funds provided by the Government or other public funding agencies, be transferred to the Government or other management, and the payment of compensation to the teachers and the staff retrenched.

(5) The Board shall, with the approval of the Government decide whether the affiliated institution be permitted the closure.

(6) If the Government decide to take over the institution or transfer the same to another management the procedure to be followed shall be such as may be prescribed by the Government.

(7) The Procedure to effect the closure shall be in phases, so as to ensure that the students already admitted to the institution are not affected, and that the first year shall be closed first and no new admissions shall be effected. The procedure to phase out the



closure shall be such as may be prescribed by the Government.

## CHAPTER 5

Fund, Finance, Accounts and Audit

### **36. Application Of Board Assets :-**

All property, fund and other assests vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

### **37. Boards Fund, Its Custody And Investment :-**

(1) The Board shall have its own Fund, and the following moneys shall be credited thereto:--

- (a) fees, royalties and charges, including penalties, levied and collected by the Board;
- (b) grants, assignments, contributions and loans, if any, made to it by the Government;
- (c) bequests, donations and endowments or other contributions, if any;
- (d) interest on, and sale proceeds of, any securities vested in it;
- (e) all rents and profits from the property vested in it;
- (f) other moneys received by, or on behalf of, the Board.

(2) The Board may keep in current or deposit account with the State Bank of India or with any Schedule Bank as defined in the Reserve Bank of India Act, 1934 which holds a licence issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949, or with any other bank approved by the Government, in this behalf, such sum of money out of its Fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government. Such accounts shall be operated upon by such officers of the Board as may be authorised by it by regulation made in this behalf.

### **38. General Application Of Fund :-**

Subject to the provisions of this Act, the Fund of the Board shall be applied only to the payment of charges and expenses incidental to the matters specified in this Act; and for any other purpose for which by or under this Act powers are conferred or duties are imposed upon the Board.

### **39. How Fund Shall Be Drawn Against :-**

No payment shall be made by a Bank out of the Boards Fund except upon a cheque or letter of credit signed by an officer authorised by the Board in this behalf.

#### **40. Allotments To Regional Offices :-**

The Board shall pay, from time to time, to each regional office such sums as the Board may determine, for enabling the regional offices to discharge the duties and functions imposed on them by the Board for completion of works or Development Scheme within its jurisdiction, which are not inconsistent with this Act.

#### **41. Preparation Of Annual Budget Estimates :-**

(1) The Board shall prepare, before such date and in such manner as may be prescribed, the budget estimates of the income and expenditure of the Board for the next financial year.

(2) The Board shall, on or after the date referred to in sub-section (7), consider the budget estimates prepared by it and submit them as approved by it to the Government, for its sanction. The Government may pass such orders with reference to the budget estimates as it think fit, and communicate the same to the Board, The Board shall give effect to such orders.

#### **42. Annual Accounts And Audit :-**

(1) The Board shall keep accounts in such form and in such manner as prescribed.

(2) The accounts of the Board shall be audited by Auditor appointed by the Board with the previous approval of the Government.

(3) The Government may, if it thinks necessary, appoint a Special Auditor to audit the accounts of the Board.

(4) The Auditor or the Special Auditor, as the case may be, shall submit his report to the Board and shall forward a copy thereof to the Government.

(5) The cost of the audit under sub-section (2) or , if any, shall be borne by the Board.

#### **43. Inspection And Inquiry :-**

(1) The Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the Board, of the buildings, hostels, laboratories, libraries and equipments of

any Diploma Level Institutions affiliated and accredited to the Board, of the teaching or other work conducted by any such Polytechnic or Institute and of the conduct of any examination held on behalf of the Board; and to cause an inquiry to be made in like manner in respect of any matter connected with the Board. The Government shall, in every case, give due notice to the Board of its intention to cause an inspection or inquiry to be made and the Board shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(2) The Government shall communicate to the Board its views with reference to the results of the inspection or inquiry and may, after ascertaining the opinion of the Board thereon, advise it on the action to be taken, and fix a time limit for taking such action.

(3) The Board shall report to the Government such action, if any, as it has taken or proposes to take upon the results of the inspection or inquiry. Such report shall be submitted, with the opinion of the Board thereon, within such time as the Government may direct.

(4) Where the Board does not within the time fixed, take action to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Board, issue such directions as it may think fit, and the Board shall comply with such directions.

#### **44. Information, Return Etc. To Be Furnished By Board :-**

(1) The Board shall furnish to the Government such reports, returns and statements as may be required by the Government and such further information relating to any matter connected with its work as the Government may call for.

(2) The Government may, after considering any such report, returns or statements or information furnished, give such directions consistent with this Act as may be necessary, and the Board shall comply with such directions.

#### **CHAPTER 6**

#### **Supplementary and Miscellaneous Provisions**

#### **45. Manner Of Exercise Of Powers Delegated To Committee :-**

All matters relating to the exercise by the Board of powers conferred upon it by the Act, which have by regulation been delegated by the Board to a Committee shall stand referred to that

Committee and the Board before exercising such powers shall receive and consider the report of that Committee with respect to the matter in question.

#### **46. Power Of Board To Make Regulations :-**

(1) The Board may make regulations 1[with the approval of the Governing Council] for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of following matters, namely:--

(a) the constitution, powers and duties of the Committiees appointed under section18;

(b) the subjects and curricula for the examinations;

(c) the general conditions governing admission of regular and external candidates for the examinations and particular conditions regarding eligibility, attendance, term and character, on the fulfillment of which a candidate shall have a right to be admitted to and to appear at any such examination;

(d) the marks required for passing in any subject and the examination as a whole and for exemption, credit and distinction in any subject;

(e) the fees for admission to the examinations and other fees and charges payable in respect of other matters connected with these examinations;

(f) the arrangements for the conduct of examinations and publication of results;

(g) the appointment of examiners, their powers and duties in relation to the examination and their remuneration and mode of payment;

(h) the qualifications and disqualifications of examiners;

(i) the Award of certificates;

(J) the appointment of Officers and servants of the Board in its own office and the conditions of their service;

(k) the constitution of provident fund for the benefit of the said Officers and servants of the Board;

(l) the control, administration, safe custody and management in all respect of the finances of the Board;

(m) the date before which and the manner in which the Board shall prepare its budget estimates;

(n) the compensatory allowance which may be drawn by members

of the Board and the Committee appointed by them;

(o) appointment of Officers and staff from Government and aided and unaided Institute or Polytechnics for smooth conduct of examination;

(p) any other matter which is to be or may be prescribed under this Act.

(3) No regulations made under this section shall have effect until the same has been sanctioned by the Government.

1 These words were inserted by Mah. 1 of 2003, s. 16.

#### **47. First Regulation :-**

(1) Notwithstanding anything contained in section 46, the first regulations shall be made by the Government and they shall continue to be in force until new regulations are duly made by the Board,

(2) If it shall at any time appear to the Government that it is expedient to make any new regulations in respect of any of the matters referred to in section 46 or that any regulations referred to in sub-section (1) or made by the Board under section 46 need to be modified or repealed, either wholly or in part, the Government may, after consultation with the Board and by notification in the Official Gazette, make such regulations or modify or repeal any such regulation, either in whole or in part. The regulations so made, modified or repealed shall take effect from the date as the Government may in such notification specify or if no such date is specified, from the date of publication of the said notification in the Official Gazette, except as respects any thing done or as omitted to be done before such date.

#### **48. Powers Of Board To-Make Bye-Laws :-**

The Board may make bye-laws consistent with this Act to provide for all or any of the following matters, namely:-

(a) the procedure to be followed at the meetings of the Board and the Committees appointed by it and the number of members required to form a quorum at such meetings;

(b) any other matter solely concerning the Board and their Committees not, provided for by this Act and the regulations made thereunder.

#### **49. Interpretation In Case Of Doubt :-**

If any question arises regarding the interpretation of any provisions of this Act or of any regulations or bye-laws made thereunder, the matter may be referred for decision to Government and shall be so referred to the State Government, if not less than three members of a Board so require. The decision of the Government shall be final.

**50. Duties Of And Assistance From, Polytechnic And Diploma Level Institutions :-**

All affiliated and Autonomous Diploma Level Institutions shall render such help and assist the Board as the Board may require to perform and discharge its duties and functions under the Act.

**51. Protection Of Action Taken In Good Faith :-**

No suit, prosecution, or other legal proceedings shall lie against the Government, 1[ the Governing Council, ]the Board or the members or any officer or servant of the Government 2[ or of the Governing Council] or of the Board for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any regulations or bye-laws.

1 These words were inserted by Mart. 1 of 2003, s. 17 (a).

2 These words were inserted, ibid., s. 17 (b).

**52. Members, Officers And Employees Of Board To Be Public Servants :-**

All members; officers and employees of the Board shall, when acting or purporting to Act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**53. Savings :-**

(a) Every Committee of the existing Board shall, as soon as practicable, but within a period of six months from the date of commencement of this Act, be reconstituted in accordance with the provisions of this Act.

(b) Any person holding office immediately before the appointed day as Chairman, Secretary, Finance Officer, Accounts Officer, System Analysts, Controller of Examinations, Joint Secretary (Technical), Deputy Secretary (Technical) and Assistant Secretary (Technical) to the Board shall continue to hold the said office till the

corresponding officers appointed by Government as per the provisions of this Act.

(c) All institutions affiliated to the existing Board immediately before the appointed day shall be deemed to be affiliated to the Board under this Act till their affiliation is withdrawn or reconsidered under the provisions of this Act.

(d) All the educational institutions which were entitled to any privileges of the existing Board shall be deemed to be entitled to similar privileges under this Act, of the Board.

(e) All benefactions accepted or received by the existing Board and held by it immediately before the appointed day shall be deemed to have been accepted, received or held by the Board under this Act and all the conditions on which such benefactions were accepted, received or held shall be deemed to be valid under this Act, notwithstanding that such conditions may be inconsistent with any of the provisions of this Act.

(f) All debts, liabilities and obligations incurred before the appointed day and lawfully subsisting against the existing Board shall be discharged and satisfied by the Board.

(g) Any Will deed or other document made before the appointed day which contains any bequest, gift, term or trust in favour of existing Board shall, on and from the commencement of this Act, be construed as if the Board is named therein instead of the existing Board.

(h) All references to the existing Board in any enactment or other instruments, issued under any enactment, shall be construed as references to the Board constituted under this Act.

(i) The appointment of examiners validly made under the orders and subsisting immediately before the appointed day shall be deemed to have been made under and for the purposes of this Act for the Board, and such examiners shall continue to hold office and discharge their duties and functions until fresh appointments are made under this Act.

(j) The service regulations applicable to the officers and employees of the Board shall be deemed to have been prescribed under this Act and shall, save as otherwise provided by or under this Act, continue to remain in force, until they are superseded in accordance with the provisions of this Act.

(k) All notices and orders made or issued by any authority and orders, circulars of the existing Board shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made or issued under this Act.

#### **54. Power To Remove Difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires but not later than two years from the appointed day by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for removing the difficulty.

##### **SCHEDULE 1**

##### **SCHEDULE I**

Regions

[See section 2 (j)]

<b>Region</b>	<b>Area</b>
1. Aurangabad	Ahmednagar, Aurangabad, Beed, Dhule, Jalgaon, Jalna, Latur, Nanded, Nashik, Osmanabad and Parbhani.
2 Nagpur	Akola, Amravati, Bhandara, Buldhana, Chandrapur, Gadchiroli, Nagpur, Wardria and Yavatmal.
3 Pune	Kolhapur, Mumbai, Navi Mumbai, Pune, Raigad, Ratnagiri, Sangli, Satara, Sindhudurg, Solapur and Thane.