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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4023/2012

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Judgment dated 21.08.2012

**WAMARAO BHURE INDUSTRIAL TRAINING
CENTRE THROUGH PRINCIPAL**

..... Petitioner

Through: Mr.Ramesh Bhatia and Ms.Jayshree
Satpute, Advocates

versus

**MINISTRY OF LABOUR AND EMPLOYMENT
THROUGH DIRECTOR GENERAL**

..... Respondent

Through: Mr.Amritpal Singh, Ms.Gurjinder Kaur and
Mr.Rupinder Pal Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

1. Rule. With the consent of counsel for the parties, the present petition is set down for final hearing and disposal.
2. According to the petition, the petitioner, institute is running since the year 1992. It is one of the most reputed institutes in the region. It has produced thousands of skilled workers and currently there are five trades and 15 units including Electrician, Filter, Welder, Diesel Mechanics and Hair & Skin Care. Petitioner has also received a certificate from the international standard organization in the year 2011. Based on the comprehensive instructions guidelines for affiliation dated 20.04.2010 the petitioner institute filed an application to open a new trade of Fitter and Diesel Mechanic before the Government of Maharashtra Higher and Technical Education Department. On 11.05.2010 the Government of

Maharashtra Higher and Technical Education Department granted approval of the said application to the petitioner institute.

3. On 16.12.2010 a three member Committee inspected the petitioner/ institute, as per norms and prepared a recommendation report. Subsequent to the said inspection affiliation was granted to the petitioner / institute for the session August, 2011 as requested by the petitioner. Subsequently, the petitioner filed another application for affiliation for the trade of Electricians and the approval was granted to the petitioner by the Government of Maharashtra Higher and Technical Education Department on 25.03.2011. As per the petition the primary inspection was carried out on 30.04.2011. While the respondent granted affiliation to the petitioner for the trade of Fitters and diesel mechanic in the petitioner/institute for August, 2011 session, the respondent declined the affiliation for the trade of Electricians for the August, 2011 session on the ground that two inspections in one session are not permitted. It is this order of rejection dated 18.08.2011 which was reiterated again by an order dated 28.05.2012, which are subject to challenge in this writ petition.
4. Both the parties rely on the comprehensive instructions guidelines dated 20.04.2012 for affiliation of trades/ units of ITIs/ITCs with NCTV- Comprehensive instructions guidelines for the affiliation procedure. Reliance is placed on paragraphs/ clauses 3, 4 and 9 thereof. Since these three clauses have been relied upon by both the parties, the same are reproduced below:

“3 Effective date of affiliation

As per new affiliation procedure decided by the NCVT on 23rd November, 2008, the effective date of affiliation is the date on which the affiliation is granted by the Sub Committee of the NCVT for affiliation, which is mentioned below:

- a) Affiliation granted between 1st January to 30th June

will be effective from the session beginning August of the same year.

- b) Affiliation granted between 1st July to 31st December will be effective from the session beginning February of next year.

4 Only one Inspection in a Session:

It was unanimously decided in the Sub-Committee of NCVT for affiliation meeting that only one inspection for August Session and another for February session of every year is allowed for the respective session, thus in a year only two inspections are allowed to be conducted by the Standing Committee inspection team. When any Standing Committee is visiting any institute for inspection, it should include trades which otherwise could be done by DIR.

9 Each page of the report should be signed by each Officer/ Official with date and stamp

Each page of the reports (SCIR/DIR/SIR) must be properly signed with date, name, designation and stamp of the Inspecting officers/ officials at the time of inspection itself and one copy of the report should be handed over to the head of the institute on the same day. Copy handed over to the institute shall not be a claim of affiliation granted. It may be made clear that affiliation is granted only by the Sub-Committee of affiliation as constituted by the NCVT.”

5. It has been strongly urged by counsel for the petitioner that with respect to the first application which was filed for affiliation, the inspection was carried out on 16.12.2010, and as per the guideline no.3, the affiliation was to be granted between 01st January and 30th June for the session beginning in August. Although the inspection was carried out on 16.12.2010 and the session was to begin in February of the next year i.e. 2011, but since no admissions are granted in February, the petitioners applied for August, 2011 session. It is submitted that the inspection which was conducted on 16.12.2010 was thus for one session and the

second inspection on 30.04.2011 or 10.06.2011 was for another session and thus the petitioner was not hit by guideline no.4 as only one inspection can be carried out each session.

6. Counsel for the respondent has opposed the petition and has placed strong reliance on the guideline no.4. Mr.Amritpal Singh, counsel for respondent submits that it is the petitioner / institute which has applied for affiliation for August, 2011 session for which inspection was conducted on 16.12.2010 and places reliance on the application which was filled by the petitioner themselves. Relevant portion of the Application which is annexed as Anneuxre R-1 reads as under:

“5) Date of present Inspection : 16/12/2010
“7. Year-wise Trades and Units Which affiliation is sought

Sr. No.	Trades/ Units for which affiliation sought					Year of their first admission	Remarks
	Trade	Units			Total Units		
		Ist Shift	IInd Shift	IIIrd Shift			
1	2	3	4	5	6	7	8
1	Diesel Mechanic	--	01	--	01	Aug, 2011	
1	Fitter	--	01	--	01	Aug, 2011	

7. In support of his plea that according to the petitioner the petitioner sought admission for the Session August, 2011, it is submitted that the second inspection was conducted on 30.04.2011 at the request of the petitioner/ institute again for the August, 2011 session which is also apparent from a copy of the application form filed (at page 97 of the paper book as Annexure R-2). It is thus submitted by counsel for the respondent that there is no infirmity in the orders dated 28.05.2012 and 18.08.2011.
8. Counsel for the petitioner submits that there is only one effective session which is in the month of August and the so called session in the month of

February is of no use, as no result is declared by that point of time.

9. I have heard counsel for the parties and carefully perused the pleadings and the guidelines. As per guideline no.3 any affiliation which is granted between 01st January and 30th June will be effective for the session beginning of August of the same year and the affiliation granted between 01st July and 31st December will be effective for the session beginning of February of the next year. The guideline no.4 makes it abundantly clear that affiliation meeting for only one inspection for the August session and another inspection for the February session of each year is allowed for the respective sessions. Thus in one year only two inspections are allowed to be conducted by the Standing Committee Inspection Team. Although in this case the first inspection was conducted on 16.12.2010, but the petitioner sought admission for August, 2011 and in the second inspection which was conducted either on 30.04.2011 or 10.06.2011, the petitioner again sought admission for August, 2011. The relevant portion of the form filled by the petitioner reads as under:

- “5) Date of present Inspection : 10/6/2011
7. Year-wise Trades and Units Which affiliation is sought

Sr. No.	Trades/ Units for which affiliation sought					Year of their first admission	Remarks
	Trade	Units			Total Units		
		Ist Shift	IInd Shift	IIIrd Shift			
1	2	3	4	5	6	7	8
1	ELECTRICIAN	01	01	--	02	Aug, 2011	

10. Having regard to the fact that petitioner had applied for the August, 2011 session, the respondents were well within their rights to reject the application based on guideline no.4, which it may be noticed is not the subject matter of challenge before this court. There is also no explanation as to why the petitioner did not apply on time and waited for full one year

to pursue the application which already stood rejected.

11. The submission made by counsel for the petitioner relying on guideline no.9 that each page of the inspection report should have been signed on the same date does not require any consideration in view of the fact that whether the inspection was carried out on 30.04.2011 or 10.06.2011 is meaningless as the same was for the session August, 2011. I find no infirmity or illegality in the orders passed on 28.05.2012 and 18.08.2011 by the respondent. There is no merit in the petition and the same is accordingly, dismissed. No cost.

CM.No.8439-40/2012

12. In view of order passed in the petition [W.P. (C) 4023/2012] present applications stand dismissed.

G.S.SISTANI, J

AUGUST 21, 2012
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