

Court No. - 10

Case :- WRIT - C No. - 7271 of 2023

Petitioner :- C/M Audyogik Pravidhik Pichhada Varg Gramdyog Sansthan

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Chandra Kumar Rai, Vinod Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Vinod Kumar Singh, learned counsel for the petitioner and Shri Jitendra Singh, learned Additional Chief Standing Counsel for respondent nos.1, 2 and 3.

2. Pursuant to the impleadment of National Council for Vocational Training (in short 'N.C.V.T.'), the office has submitted a report dated 16.10.2023 that the item concerned has been delivered to the addressee.

3. The Court, on the earlier occasion also had awaited service of notice upon the newly impleaded respondent no.4.

4. No one has put in appearance on behalf of respondent no.4.

5. Counter and rejoinder affidavits in between the existing parties have been exchanged, therefore, the writ petition is being finally decided.

6. The petitioner is a Society running an educational institution in the name of Picchada Varg Gramodyog Sansthan Mahila Silai Kadhai Bunai Prashikshan Kendra that imparts vocational education to the students in different trades. It is contended that the institution is being run under the control and supervision of the

Department of Social Welfare.

7. The case of the petitioner is that several Institutions are being run under the control of Department of Technical Education and pursuant to a Government Order dated 09.06.1969, the State Government decided to run 94 institutions under the control of the Department of Social Welfare. Further case is that another Government Order was issued on 04.09.1979 whereby the State Government decided that the Certificates being issued by the Institutions run under the control of Department of Social Welfare, could be treated as equivalent to the Certificates issued/awarded by the Institutions being run by the Department of Technical Education. It is contended that in pursuance of the Government Order of 1979, certain Institutions were being run under the control of Department of Social Welfare but, in the meantime, the Institutions established by the private Societies have also got themselves registered/affiliated with the Department of Social Welfare and presently 253 Institutions are being run under the said control, imparting vocational education in different trades with aim and object to upgrade skills of the students so that they could become self-dependent. With regard to the petitioner-Institution, the pleadings are to the effect that it is also being run under the control of Department of Social Welfare and is included in those institutions which receive aid from the State Exchequer.

8. The present writ petition has been filed challenging the order dated 30.06.2022 which is general in nature and has been issued by the State Government addressing the Directorate (Social Welfare), U.P., Lucknow providing that the cut-off date fixed for the purposes of getting recognition from the N.C.V.T. has been extended from 30.06.2022 to 30.06.2023 subjecting certain

conditions.

9. Learned counsel for the petitioner submits that the order impugned is based upon presumptions to the effect that in absence of recognition from the N.C.V.T., students receiving training from unrecognized institutions are facing difficulties in getting jobs.

10. The case of the petitioner is that whatever training petitioner-Institution is imparting to the students in different trades, they are not facing any difficulty in securing jobs, however, the condition imposed by the State Government to mandatorily obtain recognition from N.C.V.T. is too harsh, particularly, in view of the fact that the Ministry of Social Welfare already runs such institutions under the guidelines and norms fixed by it and there being no shortcomings pointed out either by the State Government or by the Department of Social Welfare regarding fulfillment of norms, imposing a condition to obtain recognition from N.C.V.T. is not sustainable. Shri Singh further submits that the petitioner-Institution being an Institution located in a remote area and very poor students being its trainees, certain norms fixed by N.C.V.T. cannot be fulfilled and in view of minutes of meeting dated 08.10.2021 held by the State Government, in absence of any recognition from N.C.V.T., the recognition from the Department of Social Welfare would be treated as *non-est/void* and, hence, the petitioner and identically placed Institutions would suffer irreparable loss and their students would face multiple difficulties.

11. Shri Jitendra Singh, learned Additional Chief Standing Counsel, on the other hand, by placing reliance upon counter affidavit filed on behalf of Deputy Director of Social Welfare, Directorate, U.P., Lucknow, has reiterated the stand taken in the order impugned and he submits that once the meeting dated

08.10.2021 has not been challenged and, even otherwise, a conscious decision has been taken by the State Government by which recognition from the Central Body-N.C.V.T. has been made mandatory, the decision impugned, being a policy decision of the State Government, should not be interfered with, particularly, when the petitioner has failed to make out a case for interference.

12. Having heard learned counsel for the parties, I find that any Institution imparting technical education in different trades has to satisfy the requirements and norms laid down by the State Government. There being no dispute that the petitioner-Institution is being controlled by the State Government as well as by the Department of Social Welfare, if the Government has proceeded to add a condition to obtain recognition from N.C.V.T. by assigning cogent reasons, which, in the opinion of the Court, are not against the interest of the students but in their favour, taking into consideration the problems that such students may face at the time of securing appointments and getting jobs merely because the petitioner-Institution is facing some personal difficulty, whereas there is no other material before the Court as to whether other Institutions who may be affected by the impugned order dated 30.06.2022 have or have not agitated their claim or if agitated, what is the result of same, the Court cannot interfere in such policy matters, particularly, when the matter relates to imparting technical education.

13. Even otherwise, N.C.V.T. being a Central Body, even if, the submission of Shri Singh is accepted to the extent that once the norms set by the Department of Social Welfare as well as State Government are already being fulfilled and there is no need for obtaining recognition from N.C.V.T., it would be a case where

comparative norms laid down by the State Government and Department of Social Welfare as well as N.C.V.T. require consideration and in case of such comparison it is found that the petitioner fulfills such norms, the Court does not find any good reason as to why even N.C.V.T. would not grant recognition to the petitioner-Institution.

14. Shri Singh submits that the State Government has not taken into consideration the recommendations contained in the letter dated 22.04.2022 issued by the Director of the Social Welfare to the State Government. He has relied upon relevant portion of the said recommendations which say that sympathetic view should be taken by the State Government. In this regard the Court finds that the State Government has taken a sympathetic view in 'para 4(ख)' of the order impugned dated 30.06.2022 in the interest of trainees. Even otherwise, if after completion of course of the petitioner-Institution when any employer would ask for recognition from N.C.V.T., in absence thereof, the entire training of concerned students would become a waste material.

15. In view of the above, in case the petitioner wants, it may approach N.C.V.T. for obtaining recognition but in the facts of the present case and considering the order impugned dated 30.06.2022, the Court does not find any fault in the policy of the State Government.

16. The writ petition lacks merit and is ***dismissed***.

Order Date :- 17.10.2023
Jyotsana