

Court No. - 10

Case :- WRIT - C No. - 16865 of 2023

Petitioner :- Satyam Shivam Sundaram Mahila Prashikshan Sewa Sadan And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ashwani Kumar Pathak

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra,J.

1. Rejoinder affidavit filed today is taken on record.
2. Since affidavits have been exchanged between the parties, the writ petition is being finally decided at this stage itself.
3. Heard Shri A.K. Pathak, learned counsel for the petitioners and Shri Jitendra Singh, learned Additional Chief Standing Counsel for all the respondents.
4. The petitioners claim to be an Institution registered under the Societies Registration Act, 1860 and it is pleaded that it is a recognized Industrial/Technical Training related Institution, such recognition having been granted by the Department of Social Welfare of the State Government under the Code No.184 and it started women training courses in the year 2005.
5. The prayer made in the writ petition is to the effect that whereas the Director, Social Welfare, U.P. by letter dated 19.05.2008, directed all the District Social Welfare Officers in the State of U.P. to provide facility of scholarship to technical/ industrial/ professional/ ITI Institutions, the Government is not providing scholarship to the students undergoing training in the petitioners-institution and, therefore, a Writ of Mandamus has been sought

seeking a direction for the Director, Social Welfare, Kalyan Bhawan, Ground floor-3, Gomti Nagar Lucknow (respondent no.2) to sanction the facility of scholarship to the students enrolled in the petitioners-Institution and pay salary to the teachers. Further prayer is for deciding the representation moved by the petitioners in terms of the letter dated 19.05.2008.

6. The stand taken in the counter affidavit is to the effect that *vide* U.P. Government' letter dated 30.06.2022, read with Directorate of Social Welfare', U.P. office memo C-823 dated 18.07.2022, the cut-off date fixed by the Department for granting recognition to the technical training institutions from the National Council for Vocation Training (in short NCVT) was extended upto 30.06.2023, however, the form of recognition by the NCVT, New Delhi or SCVT, Lucknow have not been made available by the petitioners' Institution to the respondents till the prescribed date which shows that the institutions have not obtained recognition from the said Bodies. Scholarship Rules have been pleaded in the counter affidavit with a statement that there is a provision to include only those courses and institutions which are recognized by the State Level Affiliating Agencies. Further stand is that institutions engaged in the technical training are recognized by the Social Welfare Department for a total number of 26 technical and non-technical courses and Certificates of Training are provided to the trainees who pass out after receiving training in these institutions. On the basis of getting recognition in a trade by private voluntary organizations, no organization becomes entitled to receive grant from the government for the salary etc of its employee. The organization is responsible for arranging funds and raising resources for the salary etc of the employees of the private voluntary organization. There is no compulsion on the government

to provide grant/assistance for the liability of salary etc. of the employees of the private organization and if this kind of compulsion is put on government only on the basis of getting recognition, then hundreds of such voluntary organizations in the State will complain to the government to pay salary etc for their employees. Due to limited resources, it will not be possible for the government to discharge such unlimited responsibilities.

7. It has further been pleaded in the counter affidavit that the institutions which are recognized by the Social Welfare department in a particular trade, every year the examination of the trainees, who get training related to it, is taken and passing certificates are issued to those trainees. Presently, 253 institutions are recognized in the State and merely on the basis of obtaining recognition and completion of examination for imparting training in a specific trade, these private institutions cannot claim grant from the government, for payment of salaries to their employees, because the responsibility of paying the salaries of their employees lies with the management of the organization concerned. If the management of a private voluntary organization is not able to raise recourse for salaries etc and other work of its employees then it is free to close the organization. At the time of formation of the institutions itself, the management of the institution should assess its economic capacity and resources and take action regarding obtaining recognition for the operation of institution, the responsibility of arranging funds cannot be put on the government in a binding form. Being a voluntary organization, the management of organization is responsible for the operation of the petitioner's, organization, which arranges for the operation of the organization with the amount received in the form of fee etc. and the amount received from the other sources. It is further pleaded

that the petitioner's institution is a private voluntary organization of the above type, which has been approved by the Directorate of Social Welfare, U.P. Vide letter dated 31.03.2005, for the training related to Tailoring and allied craft courses. For inclusion in the examination, temporary recognition was given with the condition that the institution will have to bear all the expenses from its own sources. No separate government grant/contribution/govt. assistance for the organizations operation and examination etc will be given nor will any claim of the institution be valid for this purpose. Therefore, there is no compulsion on the government to give government fund in the form of grant for payment of salaries etc. to the employees of the institutions.

8. The aforesaid contentions are contained in 'paragraph nos.6, 8 and 9' of the counter affidavit and, in the rejoinder affidavit, not even a single word has been stated by the petitioner regarding requirement or no-requirement of obtaining recognition from National Council for Vocational Training (NCVT) or State Council for Vocational Training (SCVT). The stand taken in the writ petition as well as in the rejoinder affidavit is simply based upon alleged recognition granted to the petitioners-Institution by the Department of Social Welfare of the State Government.

9. Having heard learned counsel for the parties, this Court is of the opinion that merely because the petitioners-Institution has been recognized by the Department of Social Welfare, a letter dated 19.05.2008 issued by the Head of the said Department i.e. Director, Social Welfare, U.P. would not oblige the State Government to disburse any financial aid to those institutions which have no recognition from the Affiliating/Recognizing Bodies operating at State and National Level. Neither NCVT nor

SCVT is party to the writ petition. There may be requirements and norms set by the said Bodies in relation to recognition/affiliation to the Institutions like the petitioners. In absence of any material before this Court with regard to recognition granted or not granted to the petitioners by the said Bodies, this Court is of the considered opinion that the petitioners'-Institution is not entitled for any relief in this writ petition, particularly in view of the fact that specific stand taken in the counter affidavit has remained unrebutted.

10. The writ petition has no merit and is, accordingly, **dismissed**.

11. However, dismissal of the writ petition will not preclude the petitioners to obtain recognition from the aforesaid Bodies, in accordance with law and, in case, all the requirements as desired by the State Government are fulfilled by the petitioners-Institution, it may approach again the State Government for the desired reliefs.

Order Date :- 5.12.2023

Jyotsana