

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4737 of 2024

Date of Decision: 06.10.2026

Diamond Educational Society

.....Petitioner

Versus

Union of India & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹**For the Petitioner:** Mr. Aman Parth Sharma, Advocate.**For the Respondents:** Mr. Balram Sharma, Deputy Solicitor General of India, for the respondents/Union of India.

Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with the communication dated 16.04.2024 sent through *email* (Annexure P-8), whereby respondent-Directorate General of Training, while rejecting the request of the petitioner for re-affiliation, advised it to apply afresh in CAT-1 New Institutes seeking affiliation for new trades / new units subject to No Objection Certificate from State Directorate and other guidelines issued by State Directorate & DGT, petitioner has

¹ Whether the reporters of the local papers may be allowed to see the judgment?

approached this Court in the instant proceedings filed under Article 226/227 of the Constitution of India, praying therein for following main reliefs:-

- “ i) In view of the submission made hereinabove, it is most humbly prayed that present petition may kindly be allowed petitioner may kindly be held entitled to apply for re-affiliation of its ITI namely the Diamond ITI, in Electrician trade within 3 units and 3 shifts, at new location i.e. VPO Dhamrol, Tehsil Bhoranj, District Hamirpur, as per the affiliation norms, in time bound manner, in the interest of justice and fair play;
- ii) That respondent may kindly be directed to open the NIMI portal with category for re-affiliation or direct the respondent to decide the case of the petitioner's ITI for re-affiliation, on offline basis.”

2. Quintessential facts, as emerge from the pleadings and other material adduced on record by the respective parties, are that petitioner, which is a registered society, set up an ITI in the name and style of Diamond Private Industrial Training Institute at Village Dho, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh in the year, 2010. Aforesaid ITI was granted affiliation on 28.01.2010 for one trade i.e., Electrician. Subsequently, one additional unit to the petitioner-institute was also granted on 18.08.2011. However, vide communication dated 05.09.2019 addressed to the respondents, petitioner-Institute conveyed its intention to close its Mechanic electronic trade. On 27.02.2020, petitioner-Institute submitted online application to the respondents for shifting of institute from Village Dho

to Village Dharmol. Pursuant to aforesaid request, respondents inspected the petitioner-Institute and pointed out certain deficiencies. Inspection Committee again pointed out certain deficiencies and did not recommend the petitioner-Institute for approval / re-affiliation. Though, petitioner claimed that it removed all deficiencies as pointed out by Inspection Committee and again applied for carrying out fresh inspection of the building where the institute was proposed to be shifted, however, fact remains that despite repeated requests and deposit of requisite fee, respondents failed to inspect the petitioner-Institute. Though, respondents vide communication dated 11.09.2020 informed the petitioner that inspection shall be carried out on 14.09.2020, but again it was postponed and ultimately institute was inspected on 14.09.2020, when again certain deficiencies came to be pointed out by the Inspection Committee.

3. Though, aforesaid request made by the petitioner for shifting of the institute never came to be accepted by the respondents, but vide communication dated 23.11.2020 (Annexure P-2), petitioner-Institute was ordered to be de-affiliated on the ground that lease deed for the land over which college exists has expired. In the aforesaid background, petitioner-Institute applied afresh vide application dated 27.02.2020 with the request to grant it fresh affiliation for one trade of Electrician. However, such prayer of it came to be rejected vide order

dated 19.12.2020 on the ground that petitioner-Institute is required to apply for minimum four trades for affiliation. Being aggrieved and dissatisfied with aforesaid communication dated 19.12.2020, petitioner approached this Court by way of CWP No. 4095 of 2021 titled **Diamond Education Society vs. Director of Training Directorate General of Training , Ministry & another**, which came to be disposed of vide judgment dated 28.04.2022 (Annexure P-3). Division Bench of this Court, having taken note of pleadings and other material adduced on record by the respective parties, ruled in aforesaid judgment that earlier affiliation of petitioner-Institute has ceased to exist and therefore, respondents would not be unjustified in insisting upon petitioner to apply for minimum four trades if it wishes to start Industrial Training Institute again. Though, in terms of aforesaid judgment passed by Division Bench of this Court, which has attained finality, petitioner-Institute was required to apply afresh with four trades, but fact remains that it chose not to act in terms of directions contained in aforesaid judgment, as a result thereof, petitioner-Institute remained closed with effect from 23.11.2020 till today.

4. Now after expiry of three years from the date of de-affiliation i.e., 23.11.2020, petitioner again approached the respondents by applying on online portal for re-affiliation in the year

2024. However, such prayer of it came to be rejected vide communication dated 16.04.2024 (Annexure P-8), wherein respondent- Directorate General of Training, while rejecting the prayer of the petitioner for re-affiliation, advised petitioner-Institute to apply afresh along with four trades. In the aforesaid background, petitioner has approached this Court in the instant proceedings, praying therein for the reliefs, as reproduced hereinabove.

5. Precisely, the case of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Aman Parth Sharma, learned counsel representing the petitioner, is that Clause 3.6.5 of Affiliation Norms for ITIs provides that any institute de-affiliated by DGT shall not be eligible to apply for re-affiliation for minimum period of three years from the date of de-affiliation, but thereafter an application can be made for re-affiliation. While referring to aforesaid regulation, Mr. Sharma states that since petitioner applied for re-affiliation after expiry of three years from the date of de-affiliation, respondents had no option, but to consider re-affiliation of the petitioner with one trade. He further states that though in terms of judgment dated 28.04.2022 passed by Division Bench of this Court in CWP No. 4095 of 2021, petitioner was required to apply afresh for affiliation with four courses, but since petitioner chose not to apply afresh in terms of aforesaid judgment passed by Division Bench of

this Court, coupled with the fact that clause 3.6.5 of Affiliation Norms enables de-affiliated institute to apply afresh for re-affiliation after three years, respondents had no option, but to grant re-affiliation with one trade.

6. To the contrary, Mr. Balram Sharma, learned Deputy Solicitor General of India, while refuting the contentions raised at the behest of the petitioner, submitted that petitioner has not approached this Court with clean hands, rather an attempt has been made by him to hoodwink this Court by mis-stating the facts. He states that once there is a categorical finding recorded by Division Bench of this Court in its judgment dated 28.04.2022 that petitioner is required to apply afresh for affiliation with four courses and such finding has attained finality, no illegality can be said to have been committed by the respondents, while rejecting the prayer made on behalf of the petitioner for re-affiliation with one course. He states that otherwise also, bare perusal of judgment passed by Division Bench of this Court nowhere suggests that liberty was granted to the petitioner to file fresh petition on same cause of action. Mr. Vishal Panwar, learned Additional Advocate General also adopted the afore submissions made by learned Deputy Solicitor General of India.

7. Having heard learned counsel representing the parties and perused material available on record, this Court finds that

petitioner-Society set up an ITI in the name and style of Diamond Private ITI at Village Dho, Tehsil Bhoranj, District Hamirpur in the year 2010 with one trade of Electrician. Subsequently, one another trade of Mechanic (Electronic) was granted to the petitioner, but it surrendered the same. Though, on account of certain discrepancies pointed out by the Joint Inspection Committee, petitioner-Institute applied for shifting of institute from one place to other, but before such prayer of it could be considered and decided in accordance with law, petitioner-Institute came to be de-affiliated entirely vide order dated 23.11.2020 on the ground that lease for the land over which institute is situated has expired. Admittedly, petitioner did not lay challenge to aforesaid order in the competent Court of law, rather it filed fresh application to respondents for fresh affiliation with one trade, but such prayer of it was rejected with the observation that petitioner-Institute ought to have applied for minimum four trades. Being aggrieved and dissatisfied with aforesaid decision of the respondents, petitioner-Institute filed CWP No. 4095 of 2021, which came to be dismissed vide judgment dated 28.04.2022.

8. Careful perusal of aforesaid judgment in its entirety reveals that Division Bench of this Court, after having perused norms of affiliation, arrived at a conclusion that petitioner-Institute could have been granted fresh affiliation only had it applied for four trades. It is

not in dispute that aforesaid judgment has attained finality and pursuant to the directions / observations contained in the aforesaid judgment, no effort ever came to be made at the behest of the petitioner to apply afresh for affiliation with four courses, rather, petitioner kept mum for two years after passing of aforesaid judgment.

9. Now, precisely the case of the petitioner as has been projected in the grounds of petition and further highlighted by Mr. Aman Parth Sharma, Advocate, is that regulation No. 3.6.5 provides that any institute de-affiliated by DGT shall not be eligible to apply for re-affiliation for minimum period of three years from the date of de-affiliation, meaning thereby de-affiliated institute can apply for re-affiliation after three years from the date of de-affiliation. Since petitioner-Institute was de-affiliated on 23.11.2020 on the ground of expiry of lease and thereafter period of more than three years has elapsed, petitioner-Institute rightly tried to apply for re-affiliation in terms of clause 3.6.5, but since there was no option in that regard on the portal, application submitted by it never came to be considered by respondents. Petitioner-Institute thereafter submitted representation dated 16.04.2024 (Annexure P-7), however, same came to be rejected vide communication dated 16.04.2024 (Annexure P-8) on the same ground that petitioner-Institute can apply for affiliation with minimum four courses.

10. At this stage, it would be apt to take note of clause 3.6. of affiliation norms, which deals with de-affiliation/ closure of institute / surrender of unit(s) / trade(s), which reads as under:-

3.6 De-Affiliation/ Closure of Institute/ Surrender of Unit(s)/ Trade(s)

Sr. No.	Processes	Actor/ Responsibility	Timelines	Relevant Documents
3.6.1	Request for de-affiliation of institute/ trade(s) through web portal using login id and password • Submit the relevant documents	Applicant	As per requirement Format	Format- 8 or Format- 9
3.6.2	• Evaluate details submitted • Verify the appropriateness of the documents • Communicate the objections, if any, to applicant through web portal OR • Recommend for de-affiliation of institute/ trade(s)	State / UT	Within 20 working days	
3.6.3	• Evaluate the recommendation of State • Directorate Communicate the objections, if any, to the applicant through web portal OR • No new program/ trade or increase in intake shall be allowed in lieu of closed program/ trade. • Issue order for De-affiliation/ Closure of Institute/ Surrender of Trades/ Units. The status to be updated on web-portal.	DGT	Within 20 working days	
3.6.4	• Submission of clarifications, in case objections have been communicated	Applicant	Within 5 working days of communication of objections	
3.6.4	• Update the information in the system and communicate the same to the applicant and other	Online	As per approval	

	related stakeholders			
3.6.5	Any institute de-affiliated by DGT shall not be eligible to apply for re-affiliation for minimum period of 3 years from date of de-affiliation. Exception shall be given for institutions in case of relocating to a new place with prior written approval of DGT.	DGT		

Instruction for 3.6.1 and 3.6.3: i. While De-Affiliation/ Closure of Institute/ Surrender of Unit(s)/ Trade(s), institute and DGT shall ensure that all trainees enrolled complete the training duration and no fresh admissions are admitted.

11. Careful perusal of aforesaid Clause 3.6.5, as extracted hereinabove, clearly provides that any institute de-affiliated by DGT shall not be eligible to apply for re-affiliation for a minimum period of three years from the date of de-affiliation, meaning thereby any institute, which is de-affiliated by DGT can apply for re-affiliation after expiry of minimum period of three years from the date of de-affiliation. Admittedly, in the case at hand, petitioner-Institute was de-affiliated on 23.11.2020 and thereafter it applied for re-affiliation beyond the period of three years. Representation dated 15.04.2024 was made after expiry of three years from the date of de-affiliation.

12. Though, at this stage, Mr. Balram Sharma, learned Deputy Solicitor General of India, vehemently argued that all the institutes shall be re-affiliated for every five years from the date of affiliation and institute seeking re-affiliation shall submit online application at least one year prior to expiry of affiliation or completion

of five years of affiliation. He submitted that since petitioner-Institute never submitted application one year prior to expiry of affiliation or completion of five years of affiliation, there was otherwise no occasion for the respondents to consider the case of petitioner for re-affiliation. To substantiate his aforesaid submission, he placed reliance upon clause 3.7 of affiliation norms, which reads as under:-

3.7 Renewal of Affiliation

Sr. No.	Processes	Actor/ Responsibility	Timelines	Relevant Documents
3.7.1.	• Request for renewal of institute/ trade(s)/ units through web portal using login id and password • Submit the relevant documents	Applicant	As per requirement	-
3.7.2	• Send the application to State Directorate through portal. • Inspect the institute as per latest NCVT norms in a single site visit • Applications conforming to NCVT norms will be accredited. • Applications which do not conform shall be rejected. The grounds for rejection shall be duly communicated to the concerned applicant with update on the portal • Submit the report to DGT, duly signed by Principal Secretary of concerned department comprising the following: • The verification report • Geo-tagged and time stamped photographs • Video recording for	State Directorate	-	-

	site visit			
3.7.3	After receiving accreditation report from concerned State Directorates, the recommendations would be placed on DGT Portal for a week for inviting public comments/grievance, if any	DGT	As per requirement	-
3.7.4	- Thereafter, these cases recommended by State Directorate and with no adverse public comments/grievances shall be approved by NCVT sub-committee for re-affiliation of ITI/ trade/ units - The status of the applications affiliated will be duly communicated to the applicants and updated on portal	NCVT Subcommittee	15 calendar days	-

Instructions for 3.7.1:

All the institutes shall be re-affiliated for every 5 years from date of affiliation. The institutes shall submit online application at least one year prior to expiry of affiliation/ completion of five years of affiliation.

13. Having carefully perused aforesaid Clause 3.7, which deals with renewal of affiliation, this Court is not persuaded to agree with Mr. Balram Sharma, learned Deputy Solicitor General of India, for the reason that in terms of aforesaid provision, all the institutes which are affiliated for five years from the date of affiliation shall be under obligation to submit online application at least one year prior to expiry of affiliation or completion of five years of affiliation for re-affiliation. However, in the instant case, petitioner's case falls under clause

3.6.5, which specifically talks about institutes, which are de-affiliated by DGT. In terms of aforesaid provision, the institute, after its being de-affiliated by DGT, shall not be eligible to apply for re-affiliation for a period of three years. Admittedly, petitioner-Institute was de-affiliated in the year 2020 and thereafter it applied for re-affiliation in terms of aforesaid provision in the year 2024 and as such, respondents were under obligation to consider the case of petitioner for re-affiliation. Once case of the petitioner was to be considered for re-affiliation in terms of regulation 3.6.5, it could not have been compelled to apply for at least four trades, rather re-affiliation was to be done on the basis of initial affiliation granted to the petitioner in the year 2010, whereby it was granted affiliation for one course, that is, Electrician.

14. Had the petitioner in terms of judgment passed by Division Bench of this Court in CWP No. 4095 of 2021, applied afresh, it was required to apply for four trades. Since petitioner chose to remain silent after disposal of writ petition filed by it and opted to wait for expiry of three years from the date of de-affiliation, no advantage can be permitted to be taken by the respondents to the observations and findings returned by Division Bench of this Court in CWP No. 4095 of 2021. In the case decided by Division Bench of this Court in writ petition as detailed above, issue was with regard to fresh application proposed to be filed by the petitioner-Institute with one

course, but Division Bench of this Court, having taken note of regulations, ruled that in the event of filing fresh application, if any, at the behest of petitioner, it is required to apply for minimum four trades. There cannot be any quarrel with aforesaid proposition of law laid down by the Division Bench of this Court, which has otherwise attained finality, however, in the instant case, issue is somewhat different. Once Clause 3.6.5 of regulations permits any institute which was de-affiliated by DGT to apply for re-affiliation after expiry of three years from the date of de-affiliation, petitioner-Institute applied for re-affiliation after expiry of three years and as such, its prayer for re-affiliation could not have been rejected by the respondents, rather ought to have been considered strictly in terms of aforesaid regulation.

15. At the cost of repetition, it is once again observed that Clause / Regulation 3.7, as is attempted to be invoked by learned Deputy Solicitor General of India, is not applicable to the present case, because here petitioner is not seeking renewal of affiliation, which in the case of petitioner stood expired in the year 2020 on account of its de-affiliation, rather its precise case is that it may be granted re-affiliation for the course of Electrician, which was granted to it at the time of its affiliation granted in the year 2010.

16. Consequently, in view of detailed discussion made hereinabove, this Court finds merit in the instant petition and accordingly, same is allowed and impugned order dated 12th June, 2024(Annexure R-1) is quashed and set aside and respondents are directed to consider the case of the petitioner for re-affiliation in terms of Clause 3.6.5 of affiliation norms of 2018, but without being influenced by the judgment dated 28.04.2022 passed by Division Bench of this Court in CWP No. 4095 of 2021 expeditiously, preferably within a period of eight weeks. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of being heard to the petitioner and pass speaking order thereupon. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

October 06, 2026
(shankar)