

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

FRIDAY, THE THIRD DAY OF JULY TWO THOUSAND AND
FIFTEEN

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Present
HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.34527 of 2014

Between:

Kakatiya Industrial Training Centre,
Peddapalli, Karimnagar District,
Rep. by its Principal & Correspondent,
B. Srinivas, S/o. D. Laxmaiah,
Hindu, Aged 24 years,
R/o. Peddapalli, Karimnagar District.

.. Petitioner

AND

The Director of Employment and Training,
Government of Telangana,
Hyderabad, Sri BRKR Buildings,
Tank Bund Road, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is an industrial training institute administering Industrial Training (for short, 'ITI') courses in various disciplines. The case of the petitioner institute is that the institute was established in the year 1992 with few disciplines. In the year 2007, the petitioner institute has applied for additional units. The Standing Committee constituted by the National Council for Vocational Training (for short, 'NCVT') submitted its inspection report recommending grant of permission for starting additional units in its report, dated 16.08.2007. The petitioner alleges that no further action was taken on the said report.

2. Learned counsel for the petitioner further submits that if an affiliation is granted as recommended, the students who undergo the ITI course are entitled to appear for the NCVT examinations conducted by the National Council. If such affiliation is not granted by the Director General of Employment and Training (for short, 'DGE&T'), the students cannot write the NCVT examination. Since affiliation orders are not passed, the institute has opted to enroll the students to write the examination conducted by the State Council for Vocational Training (for short, 'SCVT'). As per the allotments made by the Convenor, the students were admitted for the course which

commenced for the year 2011 and the students have successfully completed their course of study of two years in the year 2013. Thereafter, the students are not permitted to write examination conducted by NCVT or SCVT. In those circumstances, the petitioner institute filed W.P.No.19538 of 2014 in this Court. This Court passed interim orders in W.P.M.P.No.24459 of 2004, dated 14.07.2014, directing passing of orders on the claim of the petitioner for grant of affiliation by the DGE&T. Since no orders were passed and as the students were not permitted to sit for examination conducted by the State Council also, the present writ petition is filed.

3. This Court, by order, dated 17.11.2014, made in W.P.M.P.No.43185 of 2014 granted interim direction to permit the students of the petitioner institute to participate in the Trade Tests by SCVT, which were scheduled in November, 2014. Accordingly, the students have appeared in the examination conducted by the State Council. Since the Court directed not to announce the results, the results of the examination were not announced.

4. The W.P.M.P.No.16648 of 2015 is filed praying for a direction to announce the results of the Trade Test of SCVT conducted in pursuant to the above interim orders.

5. On the contrary, W.V.M.P.No.3569 of 2014 is moved by the respondents to vacate the interim order, dated 17.11.2014, in W.P.M.P.No.43185 of 2014.

6. The stand of the respondents is that since no affiliation is granted to the petitioner institute, the students of the petitioner institute are not entitled to undergo the ITI course and are not entitled to appear for the examinations conducted by the NCVT or by the

SCVT. It is also averred that the then Convenor illegally allotted the students to the petitioner institute, whereas the petitioner institute is not entitled to admit the students since no affiliation was granted. The counter is silent about the eligibility of the students who have undergone the training in the petitioner institute to write the examinations conducted by the State Council.

7. The learned counsel for the petitioner contends that there is no legislation made by the State or the Central Legislature nor any rules formulated by the State governing the admissions to IT courses. The admission procedure is regulated by the manual published by the DGE&T. According to para 6 of the manual, the institute is entitled to admit the students purely on merit basis on the marks secured by the candidates in public examination and, therefore, the question of even allocation of students by the Convenor does not arise and the institute is entitled to admit the students directly. Thus, on the ground that some illegality took place in the allotment of students by the Convenor, admissions made cannot be said as illegal. Learned counsel for the petitioner further submits that according to Appendix-XIX of the manual which deals with procedures for affiliations of training institutes, if institute is granted affiliation by the DGE&T, the trainees can be admitted for appearance in the NCVT examination and if no such affiliation is granted by DGE&T, they can be trade tested by the State Council. Relying on the said provision incorporated in II-B of the above Appendix, learned counsel for the petitioner submits that if no affiliation is granted by DGE&T, the students are entitled to write the examination conducted by the State Council. Thus, if affiliation is granted, students are entitled to write the examination conducted by the National Council and if no affiliation is granted by DGE&T, the students are entitled to write the Trade Test conducted by the State

Council. Since the affiliation issue is not finalized in spite of directions issued by this Court in W.P.No.19538 of 2014, the petitioner institute has opted to subject the students for Trade Test conducted by the State Council and no illegality is committed.

6. As seen from the relevant extracts of the manual published by the DGE&T, an institute should be recognized by DGE&T to enable its students to appear for NCVT examinations. If no such recognition is accorded, the students are entitled to write examinations conducted by SCVT. In the instant case, DGE&T has not accorded recognition to new courses launched by petitioner institute. In terms of above referred manual, students of petitioner institute are entitled to appear for SCVT examinations. In the absence of any statutory restriction, and when only the manual of instructions are followed in regulating the admissions to ITI courses, merely because DGE&T has not recognized the additional courses of petitioner institute, does not disentitle the students of petitioner institute to appear for examinations conducted by SCVT. In terms of the said manual, the admission of the students by the petitioner institute for the academic year 2011-2013 cannot be said as illegal.

7. I, therefore, see no merit in the stand of the respondents. The students of the petitioner institute, who have pursued the ITI course of study for the academic year 2011-2013 are entitled to appear for the Trade Test conducted by the SCVT and denial of permission to write the Trade Test by the respondents was illegal.

8. Accordingly, the Writ Petition is allowed. The respondents are directed to announce the results of the Trade Test of SCVT conducted in pursuant to the interim orders passed by this

Court in W.P.M.P.No.43185 of 2014 and if the candidates passed the examination, they should be issued the certificates of pass. If any student has failed in the examination held as above, they may be permitted to write the examination scheduled to be conducted in the third week of July, 2015. The results be announced immediately within a period of one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 3rd July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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