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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8843/2015**

CHOUDHARY SANJHA RAM MEMORIAL

EDUCATION SOCIETY

..... Petitioner

Through: Mr. Bharat Arora and Mr. Dhawal Jain,
Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Arun Kumar and Mr. Naginder
Benipal for Mr. Anil Soni, Advocate for R-1 & 2
Mr. Vikas chopra Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

28.09.2015

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1. This is a writ petition in which the petitioner had approached this court with a singular grievance, which was that, it had applied for affiliation qua 3 institutes and that while granting affiliation, respondents confined the affiliation to 2 units. The petitioner has averred that the third unit, which is : Aman Private ITI, was not granted affiliation.

2. Based on the aforesaid fact, notice was issued on 15.09.2015.

2.1 On that date, respondents were represented. Upon the direction of this court, an inspection as conducted by respondent no.3. The requisite fee for the said inspection was deposited by the petitioner.

2.2 The learned counsel for respondent no.3 has since then filed a counter affidavit, with which, the said respondent has appended a summary of the

deficiencies discovered pursuant to inspections carried out on 16.09.2015.

2.3 To this, the petitioner has filed a rejoinder. The deficiencies noted in the inspection by respondent no.3 are as follows :-

“...IT Lab area : IT lab area is less as per the norms for 8 units of electricians.

Area required is 35 sq. mts., actually the area is 29.30 sq. mtrs.

Map is not as per the current building plan. Map needs to be updated as per the current lay out plan.

Some of the machinery was from another ITI (APP003852). Same can be seen in the video. As per ITI management, some old (not working) machines are kept in.

ITI has mentioned the affiliation from NCVT & Govt. of India. This should not be mentioned until the Institute gets the affiliation.

8 Synchronous motors are required as per the norms but only four are available..”

2.4 In so far as respondent no.1 is concerned, no counter affidavit has been filed. The learned counsel for respondent no.1 and 2 says that affiliation can only be granted based on the recommendation of respondent no.3. It is the learned counsel's submission that since no recommendation had been received, no affiliation was granted qua the third institute i.e. Aman Private ITI.

2.5 In so far as the petitioner is concerned, it is its case both in the writ petition and in the rejoinder that two inspections were conducted. The first inspection was conducted on 23.05.2015, and that, the second inspection was carried out on 18.07.2015. The petitioner has asserted that in both the inspections, the third institute was cleared.

2.6 For this purpose, my attention has been drawn to page 69 of the paper book and the photographs appended at page 84 to 86 and 166 to 167 of the

paper book. The first set of photographs, pertains to the inspection conducted, on 23.05.2015 while, the second set of photographs pertain to the inspection conducted on 18.07.2015.

2.7 It is, in fact the petitioner's case that because no defects were found vis-a-vis the third institute that on the website of the respondents, the petitioner's application was upgraded to stage 3. As a matter of fact, the petitioner asserts that the status continues to remain the same to date, on the website of respondent no.3.

3. In so far as the first deficiency pointed out by respondent no.3 is concerned, in the inspection dated 16.09.2015, which pertains to the area available for the IT Lab, the learned counsel for the petitioner says that while the petitioner does not accept the objection, it will be willing to accept the situation, and accordingly, confine his affiliation for only 100 students i.e. 4+4 units as against 8+8 units.

3.1 According to the learned counsel for the petitioner, the minimum IT Lab area, which is required for 4+4 units is 25 sq. mtrs. Therefore, even if the area as measured by respondent no.3 is taken into account, there should be no difficulty in granting affiliation.

3.2 As regards the second deficiency, which pertains to non availability of current building plan, the learned counsel for the petitioner has drawn my attention to page 227 (Annexure P3/3) of the paper book wherein a copy of the map is appended. According to the learned counsel for the petitioner, the said map conforms to the current lay out plan.

3.3 It is the contention of the learned counsel for the petitioner that the original map has been furnished to the assessor, who was present during the inspection held on 16.09.2015. This fact is not disputed by the learned

counsel for the respondent no.3.

3.4 In so far as the third deficiency is concerned, which is that, the petitioner, had purchased old machinery, which was apparently procured from another ITI, the learned counsel for the petitioner says that though this allegation is not correct, nevertheless, the petitioner has obtained 5 new machineries, and therefore, this objection would not survive.

3.5 The learned counsel for the petitioner, for this purpose, has drawn my attention to photographs appended at page 228 of the paper book (Annexure P-3/4).

3.6 As regards the fourth deficiency, which is that, the petitioner had been claiming to the world at large, that it already stood affiliated, the learned counsel for the petitioner says that this allegation is incorrect as the propagation of affiliation was made with regard to the other institutes, which, admittedly have been granted affiliation.

3.7 With regard to the last deficiency, which concerns non availability of 8 synchronous motors, the learned counsel for the petitioner says though that is not the requirement, the petitioner, in order to put the matter beyond doubt, has obtained 4 new synchronous motors. For this purpose, my attention has been drawn to the photographs (Anneuxre P-3/5) appended at page 229 of the paper book and the photocopy of the bill, appended at page 230 of the paper book. The learned counsel for the petitioner says that the original bill is available and that the same can be produced before respondent no.3.

4. Having regard to the aforesaid, in my view, it appears that the petitioner has attempted to liquidate the deficiencies brought to fore in the inspection report dated 16.09.2015.

4.1 In these circumstances, respondent no.3 will examine the response of the petitioner, which is broadly indicated above. If, as indicated by the petitioner, the deficiencies have been met, then, a recommendation will be made accordingly to respondent no.1. Respondent no.1 will thereafter take a decision in accordance with law. If another inspection needs to be carried out, the petitioner will deposit the requisite inspection fee.

4.2 The learned counsel for the petitioner says that any which ways inspection fee will be deposited with respondent no.3, in the course of the day.

4.3 Having regard to the above, the learned counsel for respondent no.3 says that the said respondent will submit its recommendations directly to respondent no.1 and 2 within three days from today.

4.4 Accordingly, on receipt of recommendations of respondent no.3, respondent no.1 and 2 would thereafter complete their part of the exercise with due expedition though not later than one week from the date of receipt of recommendation from respondent no.3.

5. With the aforesaid observations in place, the captioned petition is disposed of.

6. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

SEPTEMBER 28, 2015

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