

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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W.P. No. 22241 of 2016

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DATE: 29.08.2016

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Between:

Lorven Educational Society

.. Petitioner

And

The State of Telangana
and three others

.. Respondents

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ORDER:-

This writ petition is filed for the following substantive relief:

“....to issue a Writ of Mandamus declaring the action of the 2nd respondent in not including the petitioner’s Ascend Private I.T.I. College in the list of Private I.T.I. Colleges in the State of Telangana and not allotting admissions to the said Ascend Private I.T.I. College in pursuance of the affiliation granted by the 3rd respondent vide letter DGT-12/1/2016 – TC dated 31.05.2016 and the Memo No.2633/Emp-Vig/A2/2016-1, dated 22.06.2016 issued by the 1st respondent, as arbitrary and illegal, and consequently direct the 2nd respondent to include the petitioner’s Ascend Private I.T.I. College in the list of Private I.T.I. Colleges in the State of Telangana and allot admissions to the Ascent Private I.T.I. College by considering the representation dated 15.06.2016 of the petitioner - society”

The learned counsel appearing for the petitioner – Society submits that the petitioner firstly approached the Government of Telangana, and thereafter, the Quality Council of India (QCI), on the recommendation made by the State Government.

QCI has approved the accreditation and the National Council for Vocational Training (NCVT) granted affiliation on 03.05.2016 and communicated the same on 31.05.2016. Thereafter, the petitioner made representations on 06.06.2016 and 15.06.2016 and while requesting to allot admissions, the 1st respondent – State of Telangana

addressed a letter dated 22.06.2016 to the 2nd respondent – Commissioner/Director, Department of Employment and Training directing him to take appropriate examination and take necessary action in the matter. But the 2nd respondent has not taken any consequential action and has not permitted the College to take admissions.

The learned Government Pleader for Labour, Employment and Training appearing for Respondent Nos.1, 2 and 4 submits that the 2nd respondent addressed a letter dated 14.07.2016 to the Principal Secretary to Government (FAC) Labour Employment Training and Factories Department, T.S. Secretariat, Hyderabad stating that the number of Private Educational Societies have directly applied on QIC portal for affiliation without obtaining Government Order (GO) from the State Government. Therefore, the State Government is requested to address a letter to the Director General of Training Ministry of Skill Development and Entrepreneurship on the following salient points:

1. *The DGT, New Delhi to issue stringent guidelines to NABET (i.e., QCI) authorities to not to issue affiliation/Accreditation to Private ITI without submission of Permission of Government Order for Establishment.*
2. *The QCI authorities to create fields in their Portal on the Online Application that State Government permission is mandatory in the application of ACI portal for affiliation/ Accreditation.*
3. *The DGT, New Delhi to take necessary action for cancellation/suspension of Affiliation orders issued to the New Private it is, who got affiliation orders without obtaining permission for establishment of their it is*

from the Government of Telangana.

It is not in dispute that QIC has approved the accreditation and the National Council for Vocational Training (NCVT) granted affiliation on 03.05.2016 and communicated the same on 31.05.2016. A perusal of the Communication dated 28.04.2015 sent by the Principal, Government I.T.I. (boys), Warangal to the 2nd respondent – Director/Commissioner, Department of Employment and Training, reveals that the Petitioner - Educational Society has been recommended by the District Level Committee (DLC). In the Communication dated 13.03.2014 received by the petitioner from the 4th respondent - Regional Deputy Director (App.), it is stated that by virtue of the Memo dated 06.03.2014, the latter was requested to furnish the feasibility report on the establishment of the proposed petitioner – society, and in that connection, the Correspondent/Secretary of the petitioner was required to furnish relative information along with original documents / copies of the documents mentioned in that letter to which the petitioner sent a reply on 24.03.2014. Thereafter, vide letter dated 26.04.2014 issued by the Commissioner of Employment and Training, A.P., the Principal, Government ITI(B), Warangal was informed that the application received from the management of the petitioner-society for setting up of new Private ITI at Paidepally (V), Hanamakonda Mandal, Warangal is forwarded along with information furnished in the proforma prescribed by the DGET, New Delhi. Accordingly, the Principal of the Government ITI was advised to contact the District Collector /

Chairman of the District Level Committee and other members for inspection of locations proposed by the petitioner - society and whether the locations are in conformity with the guidelines issued by the DGET, New Delhi, and return the application form along with supporting documents.

It is pertinent to mention here that vide Communication dated 10.06.2015 sent by the 2nd respondent – Director, Employment and Training to the 3rd respondent – Director General of Training, Government of India, it is informed the Private ITI institute submitted online application for accreditation of ITI and in that regard the Government of Telangana have not issued any Government Order i.e. provisional permission for starting the ASCEND Private ITI and thereby requested the 3rd respondent not to accreditate the Ascend Private ITI. Moreover, the Government of Telangana, after careful examination of the matter, has constituted a State Level Committee vide G.O.Rt.No.112, dated 05.09.2014 to scrutinize the recommendations of the District Level Committee and make suitable recommendations for according sanction to start new Private Industrial Training Institutes in the Assembly Constituencies of the State with the following members:

1.	Hon'ble Minister for Home, Jails, Fire Services, Sainik Welfare and LET&F	CHAIRMAN
2.	Principal Secretary/Secretary to Government, LET&F Department, Telangana Secretariat	Member
3.	Commissioner/Director / Joint Director of Technical Education, Telangana State, Hyderabad	Member
4.	Commissioner / Director of Employment & Training, Telangana State, Hyderabad	Member- Convenor

In view of the above, the 2nd respondent has to take steps in the matters pending before the State for granting permission, however the 2nd respondent has not taken any steps.

In the counter affidavit filed by the 2nd respondent, it is stated that the petitioner has suppressed the facts before this Court and the 2nd and 3rd respondents. The report of the District Level Committee was submitted to the 2nd respondent on 28.04.2015 and received in the office on 04.05.2015. But, the petitioner filed his on-line application in the Quality Council of India (QCI) Portal from 17.03.2015 to 10.04.2015 itself i.e. one month prior to the receipt of the report of the District Level Committee and also without any approval of the State Level Committee for permitting the petitioner to start its Private ITI in the proposed Trades of Electrician-12 Units and Mechanic Diesel-6 Units. The petitioner has filled in the on-line application form for the Trades of Electrician Units and Draughtsman Civil-3 Units (instead of applied Trade: Mechanic Diesel-6 Units). It is further stated that the petitioner has misrepresented the 1st, 2nd and 3rd respondents by changing the Trade of Mechanic Diesel-6 Units to the Trade Draughtsman Civil-3 Units. Accordingly, the 2nd respondent, through letter dated 10.06.2015 and also through E-Mail dated 16.06.2015, informed the 3rd respondent not to Accrediate the petitioner – Institution as the mandatory norms are not fulfilled.

Be that as it may. The decision has not been taken

even by the Committee constituted vide G.O.Rt.No. 112, dated 05.09.2014. The last date for admission is 31.08.2016. The present writ petition was filed on 04.07.2016 whereas QCI approved the accreditation on 03.05.2016 and affiliation on 31.05.2016.

In that case, this Court is of the opinion that the petitioner-institution was very much aware of G.O.Rt.No.112, dated 05.09.2014, however it did not take steps early. If the petitioner had taken steps, this Court would have directed the Committee to take decision in the matter. Moreover, as stated in the counter affidavit, the petitioner has changed the Trade from Mechanic Diesel-6 Units to Draughtsman Civil-3 Units.

In view of the facts recorded above, this Court feels that the only direction that can be given in this writ petition is that the case of the petitioner-Society be posted before the constituted Committee which shall take decision within a period of two weeks from the date of receipt of a copy of this order. It is made clear that if the Committee decides the case of the petitioner-Society, then the petitioner may get the students admitted for the academic year 2017-2018. It is further made clear that if the petitioner is still aggrieved by the decision of the Committee or of the State, liberty is granted to the petitioner to approach appropriate forum.

I am conscious of the fact that admissions are only up to 31.08.2016, but in that sense, keeping in view the G.O.Rt.No.112, dated 15.09.2014, the petitioner should have taken all steps to ensure that its issue should have been placed before the Committee constituted. This fact cannot be denied that if any of the private institutions wants to set up ITI,

it should be in the knowledge of the State Government and without that there would be no control of the respective States.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

29.08.2016

Note: Furnish copy in two days

b/o

bcj