

HON'BLE SRI JUSTICE SURESH KUMAR KAIT**WRIT PETITION No.28964 of 2016****ORDER:**

Vide the present petition, the petitioner-Jesus Dogga Private Industrial Training Institute sought affiliation to their Institutions for the Academic Year 2016-17.

Vide order dated 31.08.2016, this Court has recorded the following, which is re-produced hereunder:

Vide these writ petitions, the petitioner-Industrial Training Institutes (for short, ITI) sought affiliation to their Institutions for the Academic Year 2016-17.

2. In the writ affidavits, it is stated that the 1st respondent-Director General of Employment & Training (DGE&T) is the authority that grants affiliation to the ITIs, based on the recommendation of the 2nd respondent-Quality Control of India (for short, QCI). And, for that purpose, the concerned ITIs have to make an Online application in the Online Portal of QCI. Accordingly, the petitioner-ITIs have applied through Online procedure within the stipulated period i.e., 15.03.2016.

3. Thereafter, the 3rd respondent-Principal Secretary, Labour Employment and Training, Government of Andhra Pradesh, has issued G.O.Ms.No.15, dated 31.03.2016, according provisional permission to the petitioner-ITIs and also directed the 4th respondent-Commissioner of Employment & Training to issue a "Letter of Intent" to the petitioner-ITIs. The 3rd respondent further directed the 4th respondent-Commissioner to conduct Inspection within 15 days from the date of issue of Letter of Intent, and allow admissions if the conditions stipulated in the Letter of Intent are duly fulfilled.

4. Vide the aforesaid G.O., the 3rd respondent has further directed the 4th respondent-Commissioner to intimate the 1st respondent-DGE&T, in advance, so as to enable the 1st respondent-DGE&T to constitute Standing Committees for the purpose of Inspecting the petitioner-ITIs.

5. Consequent to the intimation received from the 4th respondent, the 1st respondent-DGE&T directed the 2nd respondent-QCI to inspect the petitioner-ITIs. Accordingly, the 2nd respondent-QCI deputed Assessors to the petitioner-ITI institutions for inspection. During inspection, the Assessors have observed certain violations / non-conformities (NCs) on the part of the petitioner-ITIs and accordingly submitted a report to the 2nd respondent-QCI.

6. It is stated in the writ affidavits that the petitioner-ITIs have complied with the observations/NCs as pointed out during the Inspection, within the stipulated time, and that the National Accreditation Board for Education & Training (NABET), which is the Wing of the 2nd respondent-QCI that deals with the accreditation of ITIs, has also accepted the compliance of the petitioner-ITIs.

7. Aggrieved by the inaction of the respondent authorities in granting affiliation to their Institutes, the petitioners approached this Court with these writ petitions.

8. When the matter was last heard on 29.08.2016, the learned Assistant Solicitor General appearing on behalf of respondents 1 and 2 has submitted that the issue raised in these writ petitions has to be considered in the NABET Meeting to be held on 30.08.2016 and the final decision would be taken in that meeting. Recording the submission, the matter is directed to be listed today.

9. Today, when the matter is called, Mrs.M.Indrani, learned Standing Counsel for respondents 1 and 2, submits that the NABET Meeting had taken place yesterday i.e., 29.08.2016, but no information with regard to the outcome of the Meeting has been communicated so far. It is also informed by Mrs.M.Indrani, learned Standing Counsel that the 2nd respondent-QCI is a Member of the NABET Meeting that was held on 29.08.2016.

10. Learned counsel for the petitioner-ITIs expressed concern that the petitioners cannot go ahead with the admission of students in their Institutes until they are given affiliation and, as per the G.O.No.15, dated 31.03.2016, today is the last day for including their Institutes in the Counseling List.

11. In view of the above submissions, and keeping in view the urgency in the issue raised in these writ petitions, the 2nd respondent-QCI is directed to place the decision taken in the

NABET Meeting held on 29.08.2016, before this Court by 2:30 PM on 01.09.2016.”

It is pertinent to mention here that when the matter was called on 31.08.2016, Ms. M.Indrani, the learned Standing Counsel for respondents No.1 and 2 submitted that the NABET Meeting had taken place on 29.08.2016, but no information with regard to the outcome of the Meeting has been communicated so far. It is also informed, the 2nd respondent-QCI is a Member of the NABET Meeting that was held on 29.8.2016

Accordingly, keeping in view the concerned of the admission of the students, the 2nd respondent-QCI was directed to place decision taken in the NABET Meeting held on 29.8.2016. Accordingly, the matter was listed on 01.09.2016.

The learned Standing Counsel named above, on instructions, submitted that as per the information made available by QCI, Dogga Private ITI has been accredited, but the Building Completion Certificate/Building plan, one of the requisite to ensure building norms has not received from the petitioner. On receipt of BCC, QCI will forward the application proposal to the Director General of Employment & Training (DGT). As per the procedure, DGT will scrutinize the proposal and the recommendation of the same shall be placed before the sub-committee of NCVT dealing with affiliations/de-affiliations. Since the petitioner has not forwarded the documents as per the norms, therefore the file has not been forwarded to the 1st

respondent by the 2nd respondent, and thus, the procedure is not completed.

At this stage, the learned counsel for the petitioner has drawn attention of this Court to page No.116 of the writ petition, which is the certificate dated 26.07.2016 issued by the Executive Officer, Panchayat Secretary, Gangubudi (V), L.Kota Mandal, Vizianagaram District, certified that the land in question belongs to JESUS CHRIST CHARITABLE TRUST, Kottavalasa, bearing S.No.55P & 52-3P of Gangubudi village of Lakkavarapukota (Mandal), which is exclusively meant for JESUS DOGGA PRIVATE ITI, falls in a rural area where presently no statutory physical plans are applicable like Master Plan/Development Plan, Regional Plan, Peripheral Plan, Zonal Plan etc., prepared under relevant State Act(s). Moreover, the Structural Soundness Certificate, dated NIL, issued by T. Rambabu, B.Tech (Civil), Reg.No.84C233, certified that the Institutional building with (G+2) structure of Jesus Christ Charitable Trust (JESUS DOGGA PVT ITI) located at S.No.55P & 52-3P at Gangubudi village in L.Kota Mandal is having load bearing capacity as per the latest Indian Standards. The first floor of the building is suitable to install Lathe Machines of Fitter trade, as it is designed and structured to sustain vibrations and the stress caused by the Machines. In addition to above, the electricity bills, which have been paid by the petitioner are filed, which are at page No.119. Despite that, the 2nd respondent has not forwarded to the 1st respondent, consequently, the 1st respondent has not taken any steps to

issue accreditation to the petitioner. However, the students/aspirants seek admission with the said college and are not able to decide whether they get admission or not.

As stated by the learned counsel for the respondents No.1 and 2, the Certificate/Building plan is one of the requisite to ensure building norms has not received from the petitioner, is carried no weight, for the reason that, the petitioner has the building plan and the aforesaid document issued by the Executive Officer, Panchayat Secretary, Gangubudi village, and the aforementioned Engineer also has certified that the building has capacity to bear the vibrations load of Lathe Machines.

It is pertinent to mention here that in pursuance of the instructions issued vide G.O.Rt No.1763, LET & F(EMP) Department, dated 24.09.2004 and G.O.Rt No.1948, LET & F(EMP) Department, dated 18.10.2004 and in continuation of the instructions issued vide Office Circular Memo No.1-1/1311/2016, dated 23.08.2016 of the District Convener/ Principals of Government ITIs/Assistant Director's (Trg) of DLTCs and the Managements of Private ITIs have been informed that the schedule of 4th phase of admissions for the left over seats of August 2016 admissions (3rd phase) is as follows :

S.No.	Description	Date
1	Sale of Applications from	15-09-2016
2	Last Date for Receipt of Applications and Registration of applications	20-09-2016
3	Last Date for Preparation of Merit List	21-09-2016
4	Counselling Schedule for Govt. it is	21-09-2016
5	Counselling schedule for Private ITIs	24-09-2016

6	Last date for submission of selection list (Hard copy of the print out from the website) of 4 th Phase admissions to the District Convener Principals (DCPs) by the Verification Officer.	26-09-2016
7	Last date for submission of selection list (Hard copy of the print out from the website) of 4 th phase admissions by the District Convener/Principal (DCP) to the RDD and Commissioner of Employment & Training.	27-09-2016

Thus, the sale of application forms started from yesterday i.e., 15-09-2016 and the last date for submission of selection list of 4th phase of admissions by the District Convener/Principals (DCP) to the RDD and Commissioner of Employment and Training is 27-09-2016. But, neither the counsels for respondents No.1 and 2 have clear instructions from their clients, nor they filed the counter affidavit to that effect to the instant petition. Therefore, the said respondents are acting as per their whims and fancies, which cannot be accepted, in such a petition, where the urgency of the admission of the students is there.

Thus, I hereby allow the petitioner to go through the procedure as prescribed vide Circular Memo No.1-1/1311/2016, dated 23.08.2016 issued by the Government of Andhra Pradesh Commissionerate of Employment and Training, A.P., Vijayawada.

Keeping in view the facts and circumstances noted above, I hereby direct the respondents No.1 and 2 to not to come in way in any manner in the work of the petitioner college when going through the procedure as noted above. Consequently, the 4th

respondent is directed to include the name of the petitioner college in the 4th phase of counselling list.

It is needless to state that if the respondents No.1 and 2 found at the subsequent stage, any discrepancy in the college of the petitioner, they may point out and that the said discrepancy shall be completed, within four weeks, thereafter, as undertaken by the counsel for the petitioner on instructions.

With the above direction, this Writ Petition is allowed. No costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date :16-09-2016

Note: **C.C. Monday**

B/o

Gvl

