

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 26279 of 2015 (O&M)

Date of decision : 3.2.2016

Gian Sarovar Private ITI

... Petitioner

vs

Union of India and another

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sandeep Khunger, Advocate, for the petitioner.

Mr. Vivek Singla, Advocate, for respondent no.1.

Mr. Naveen Kaushik, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner has approached this Court challenging the communication dated 6.11.2015 (Annexure P-12) from the Haryana Industrial Training Directorate, cancelling admission of 40 students in the Electrician Trade.

Learned counsel for the petitioner submitted that for the session commencing from August, 2014, the petitioner applied for two units of 21 students each in Electrician Trade. On inspection by the Quality Council of India, recommendation was made which was approved by the Sub Committee of National Council for Vocational Training, as a result of which vide communication dated 31.7.2014, the petitioner was granted the permission. For the next session commencing from August, 2015, the petitioner applied for four additional units (2+2) in Electrician Trade. The Portal for admissions of the department provided 84 seats in Electrician Trade in the petitioner institute. 82 admissions were made and the necessary particulars were uploaded before the last date i.e. 17.9.2015. As the State raised the issue as to whether four units were additional or including the earlier sanctioned, a clarification was sought by the petitioner from the Ministry of Skill Development and Entrepreneurship, Directorate General of Training, New Delhi. It was clarified that four units (2+2) were the additional units as a result of which the petitioner was entitled to admit the students. The admissions having been made before the last date fixed, the

cancellation is totally illegal.

Learned counsel for the respondents submitted that 84 seats were wrongly shown by the private contractor looking after the work of admissions. After it was noticed, the extra additional admissions were cancelled and even the notice was issued to the petitioner. He further submitted that clarification from the Government of India was received in the office of the respondents on 18.10.2015, which was much beyond the last date of admissions.

After hearing learned counsel for the parties, in my opinion, the admission of 82 candidates as against 84 sanctioned, according to the petitioner, deserves to be upheld. It is not in dispute that the petitioner was granted sanction for 4 (2+2) units of 21 each by the Government of India vide communication dated 25.8.2015. Thereafter, even on the Portal for admission, 84 seats were shown. The petitioner after making the admission, uploaded the necessary particulars. As the State sought to raise the issue regarding number of students permitted to be admitted, the petitioner sought clarification from the Government of India, which vide communication dated 17.9.2015 clarified that 4 (2+2) additional units were granted. It is not in dispute that each unit consists of 21 students. The last date for admission was 17.9.2015. It is not in dispute that the admissions were made by the petitioner before the last date of admissions as the portal for admission was closed on the last date.

In view of the aforesaid factual matrix, even if there was any anomaly in the letter of sanction issued by the Government of India initially, however, still the same having been clarified on the last date for admissions by the Government of India and the admission having already been made before that date, merely because the letter was received by the State after the last date, in my opinion, cancellation of the admission of 40 students is totally arbitrary, hence, deserves to be set aside. The admissions shall be treated as regular. If the candidates fulfill all other conditions, they shall be permitted to take examinations.

The writ petition stands disposed of.

3.2.2016
vs

(Rajesh Bindal)
Judge