

\$~37

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

%

Judgment delivered on: 11.11.2016

+ W.P.(C) 10562/2016 & CM No.41451/2016 (interim directions)

THE BHAGAT COOPERATIVE INDUSTRIAL SOCIETY LTD
AND ORS

..... Petitioners

versus

MINISTRY OF TEXTILES THROUGH DEVELOPMENT
COMMISSIONER FOR HANDLOOMS AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Mr. R.K. Bharani, Advocate.

For the Respondents : Mr. Neeraj Malhotra with Mr. Rupal Luthra, Advocates for respondent Nos.1 and 2.

Mr. Bhagvan Swarup Shukla, CGSC with Mr. Mimansak Bhardwaj, Advocates for UOI.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
11.11.2016

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed the present petition seeking setting aside of the selection list dated 20.10.2016 of the participants in the forthcoming exhibition commencing from 16.11.2016 to 30.11.2016, issued by the Association of Corporations & Apex Societies of Handloom (ACASH).

2. It is contended that the petitioner had responded to an

advertisement issued by Respondent No. 2 dated 25.03.2016 inviting applications for participation in the exhibition to be held at Delhi Haat, INA Market, New Delhi. It is contended that the Office of the Development Commissioner for Handlooms, Government of India, Ministry of Textiles, by letter dated 26.09.2016, forwarded the applications of several societies of handloom weavers. However, despite the said recommendations, none of the societies, which were recommended by the Development Commissioner for Handlooms have been selected and the societies which have been selected were not ones which were recommended by the Development Commissioner for Handlooms.

3. Learned counsel appearing for the respondent Nos.1 and 2 has produced the original record with regard to the selection by the respondent No.2. The original record after perusal has been returned to the respondents.

4. It is contended that in terms of the advertisement dated 25.03.2016, applications were invited from all Commissioners, Directors- In-charge of Handlooms, Textiles in the State/Union Territories and all State Handloom Corporations and Apex Societies. It is contended that the notice, specifically, in the terms and conditions, *inter alia* stated as under:-

“2. All handloom corporations/apex societies/Primary coop. Societies/NGO/National Awardees/Clusters

*shall be eligible for participation in the exhibition having Handloom Mark Registration and are using Handloom Mark Level. However, the participation of primary cooperative societies / NGO/ Cluster will be subject to recommendation of the Director/Commissioner In charge of Handloom & Textiles of the concerned State/Union Territory. Preference will be given to those handloom agencies which are registered under the **India Handloom Brand**.*

5. It is contended that the respondent No.2 has only considered the societies that were recommended by the Directors/Commissioners Incharge of Handloom and Textiles of the concerned State/Union Territories. It is contended that in the case of the selected Societies, there were specific recommendations by the Office of the Commissioner of Industries, Govt. of NCT of Delhi and only those societies, which were recommended by the Government of NCT of Delhi, were considered and found eligible. The Societies that were not recommended by the concerned Commissioners of the Handloom and Textiles of the concerned State/Union Territories were not considered.

6. Further, it is contended that the letter relied upon by the petitioner is merely a letter forwarding the application received by the Development Commissioner for Handlooms, the Ministry of Textiles, Government of India and is not a recommendation in any form.

7. It is contended that what was necessary was a recommendation

by the concerned State/Union Territories and not a mere forwarding by the Development Commissioner, Government of India.

8. It is contended that there is no recommendation in favour of the applications which was forwarded and, since the applications were not received in accordance with the advertisement dated 25.03.2016, the same could not be considered.

9. Perusal of notice dated 25.03.2016 shows that the said notice clearly indicates that participation is only on the recommendation of the Commissioners/Director-In-charge of Handloom/Textiles in the concerned State/Union Territories. The letter also indicates that the said Commissioners/Directors are to recommend names of only five suitable handloom primary cooperative societies of their State/Union Territories. Perusal of the letter relied upon by the petitioner, contending to be a recommendation dated 26.09.2016, shows that it does not recommend five societies but, in fact, is a list of 28 federation/societies. The letter does not, in my view, amount to a recommendation for being considered.

10. The contention of the learned counsel for the petitioner that if the recommendation was not to be accepted by the Government of India, Ministry of Textiles, the same should not have been forwarded to the respondent No.2 and should have been rejected, in my view, is not tenable. Since the advertisement dated 25.03.2016 is very explicit in terms of the authority, which is to recommend. In case the

petitioner approaches an incorrect authority and that authority merely forwards the name of the petitioner to the respondent No.2, the same would not amount to a recommendation. There would also not be a necessity to accept or reject any application by the Development Commissioner for Handloom, Ministry of Textiles, Government of India since the said authority is neither an accepting nor a recommending authority.

11. In my view, there is no fault with the action of the respondents in not selecting the petitioner and preparing the impugned select list.

12. The writ petition is, accordingly, dismissed.

SANJEEV SACHDEVA, J

NOVEMBER 11, 2016/st