

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:17.11.2017
CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.26309 of 2017

Kennedy Industrial School,
Rep. by its Correspondent,
R.S.Road, Gudiyattam,
Vellore 632 602

... Petitioner

Vs.

1.The Director of Employment & Training
Guindy, Chennai 32.

2.The Regional Joint Director (Training)
Chennai Region,
Guindy, Chennai 32.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the orders of the first respondent in Na.Ka.No.Tho.Pa.5/23153/2017 dated 02.08.2017 and quash the same and to direct the respondents to conduct inspection for the grant of recognition of the petitioner Industrial School from the academic year 2017-18.

For Petitioner : Mr.S.Kamadevan

For Respondents: Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The petitioner/institute was established in the year 2011, after getting temporary recognition from the first respondent. The petitioner has been conducting vocational course offered by National Council for Vocational Training Course, New Delhi. On 25.08.2011, the first respondent granted temporary recognition for Mech. Refrigeration and Air conditioning trade for a period of 3 years from 01.07.2010 to 30.06.2013. Subsequently, renewal was granted on 25.06.2014 for the period from 01.07.2013 to 30.06.2016. Further, temporary recognition was also granted for new training namely Automobile Mechanic. Subsequently, on 31.01.2017, the petitioner made an application through online seeking renewal of recognition for the above trades for the academic year 2017-18. Even though the application was made on 31.01.2017, without making inspection, the respondent finally rejected the petitioner's request for renewal on 02.08.2017, stating that the academic year 2017-18

had already commenced. Challenging the said order dated 02.08.2017, the petitioner has come before this Court.

2.Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner, who would submit that even though application for renewal of recognition for the petitioner institution has been made as early as on 31.01.2017, the respondent has not made any inspection well in advance, so as to decide whether the petitioner could be granted renewal or not.

3.When the matter came up for hearing on 01.11.2017, this Court passed the following order.

"The respondents undertake to pass orders on the petitioner's application for renewal of recognition for the year 2017-2018 within a week.

2.This case exhibits that there is no procedure contemplated when an application is made for recognition or renewal of recognition of the industrial schools. A schedule has to be fixed by this court so that, it will be helpful for both officials as well as for the parties. The respondents have to file the following details:

i.How many applications are pending for recognition as on date?

ii.How many applications are pending for renewal of recognition as on date?

iii.Whether any application has been rejected this year?

3.The respondents are directed to file the approximate schedule for grant of recognition or renewal of recognition from the date of filing of the application by the institution.

Post the matter on 08.11.2017."

In compliance of the order dated 01.11.2017, the respondent has filed a schedule regarding grant/renewal of recognition and is as follows:

S.No	Date	Process
1	01.01.2017	Invitation for applications through online for recognition (affiliation) of new/renewal of Industrial School.
2	30.04.2017	Last date for submission of applications through online.
3	02.01.2017 to 30.06.2017	Inspection by Regional Joint Directors & submission of inspection report.

S.No .	Date	Process
4	02.02.2017 to 30.06.2017	Scrutinizing the inspection reports & approval for recognition/rejection by Directorate of Employment and Training.
5	01.07.2017	Commencement of course at Industrial Schools.

4.From the above, it is clear that the petitioner had applied for renewal of recognition within the time schedule prescribed, i.e, on 31.01.2017. However, the fact remains that on the request made by the petitioner, by letter dated 20.06.2017 to postpone the inspection and to have it at the end of the July as certain tools and equipment ordered were not received by them, the inspection was not conducted. Hence, it is clear that non conducting of the inspection by the respondents is based on the request of the petitioner. Therefore, the inspection could not be conducted as per the schedule fixed between 02.01.2017 to 30.06.2017.

5.Subsequently, this Court directed the respondents to make inspection and find out the available infrastructure. Accordingly, inspection was made on 06.11.2017 and the report has been filed before this Court on 07.11.2017 and certain shortcomings in infrastructure were found. When sufficient infrastructure is not available with the petitioner, it would not have been possible for the respondents to renew the recognition, even if the inspection had been made within the time limit between 02.01.2017 and 30.06.2017. Therefore the order dated 02.08.2017 cannot be questioned. However, pursuant to the orders passed by this Court, inspection was conducted on 06.11.2017 and inspection report was also filed on 07.11.2017 by the respondents pointing out the deficiencies. Therefore, it is open to the petitioner to comply with the deficiencies pointed out and file a fresh application for renewal of recognition within the time as may be prescribed by the respondents.

6.This case exhibits the problem in processing the application filed by the institutions. The schedule for filing applications for grant of recognition/renewal of recognition is given by the respondents. Once the schedule has been given, it has to be strictly followed by the respondents also and the respondents cannot be allowed to deviate from the same.

7.A perusal of list of industrial schools, which got renewal would show that the approvals were granted even during August, September, October and November.

S.No	Month of approval granted	Name of the institution	District	Temp. Reg. No.
1	August	Sree Krishna Industrial School	Nagapattinam	TRY170123
2	August	TSBT Industrial School	Perambalur	TRY170072
3	September	Sri Nandhanam industrial Training Institute	Vellore	CHN170073
4	October	Tamilaga Industrial School	Vellore	CHN170038
5	October	Milton Industrial School	Villupuram	TRY170054
6	October	Newton Industrial School	Villupuram	TRY170031
7	October	Gingee Industrial School	Villupuram	TRY170122
8	October	TLM Industrial School	Villupuram	TRY170035
9	November	Sastha Industrial School	Vellore	CHN170074

All the above details would only go to show that the respondents themselves are not abiding by their own schedule. It seems according to the whims and fancies of the officials, inspections are being made and approvals are given without any schedule, which is not in the interest of the students. As the course commenced from 01.07.2017, as on date of the commencement, the institute should have approval or renewal of recognition, failing which the respondents should not allow the institution to admit students. Before taking any such decision, the respondents are directed to follow their schedule as stated above, without any deviation. Any deviation will be deemed to be violation of the order of this Court. Though this Court is inclined to award costs, due to judicial restraint, this Court is not awarding any costs.

8. With the above directions, this Writ Petition is disposed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director of Employment & Training
Guindy,
Chennai 32.

2.The Regional Joint Director (Training)
Chennai Region,
Guindy,
Chennai 32.

+1cc to Mr.S.Kamadevan, Advocate SR.No.81952

+1cc to Government Pleader SR.No.82462

W.P.No.26309 of 2017

sm:6.12.2017



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