

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

W.A.NOs. 979, 983, 989, 990 and 991 OF 2017
AND
W.P.NOs. 21279, 21282, 21283, 21153 and 21181 of 2017

COMMON JUDGMENT:

(Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

These batch of appeals are preferred against the order of the learned single Judge in W.P.No. 21279 of 2017 and batch dated 10.7.2017. The appellants herein are all Industrial Training Institutes located in different parts of Warangal district. They invoked the jurisdiction of this Court seeking a mandamus to declare the orders of de-affiliation, passed by the National Council for Vocational Training (NCVT), as arbitrary and illegal.

In the interlocutory order under appeal, the learned single Judge observed that the respondents were always at liberty to take action against the petitioners, if they were involved in acts of malpractice; the impugned proceedings, which referred to the report dated 30.3.2013, was not at the instance of the authorities who were competent to do so; the circular issued by the Government of India required that the Standing Committee for evaluation shall be constituted by the concerned State Director/Union Territory Administrator on the same lines as is done for considering affiliation; and in view of the composition of the committee, if the petitioners' colleges are in operation as on today and are having students in the

ITI courses, the seat allotting agency shall allot students to the petitioners' colleges and also display in the web about the pendency of the writ petition. The learned single Judge directed the petitioners' colleges to take an undertaking from the students about their knowledge of the pendency of the case; and observed that they could not claim any equities, if they lost the writ petitions at a later stage. The learned Single Judge observed that admission, if any made, shall be subject to the result of the Writ Petitions.

Against these interlocutory orders, the petitioners have preferred these appeals contending that, since the learned single Judge had not set aside the impugned order of de-affiliation of the institutes, they are unable to admit students or facilitate them to appear for the examination; an order of de-affiliation could only have been passed after complying with the procedure prescribed in the handbook; and since the committee, as required to be constituted in terms of the handbook, has not been constituted, the earlier inspection caused cannot be made the basis for de-affiliating the petitioners' institutes.

As the jurisdiction which this Court exercises under Article 226 of the Constitution of India is only in larger public interest, and this Court would exercise its discretion to interfere with the order under appeal, only if the institutes were found to have provided the required infrastructural and other facilities stipulated under the NCVT handbook, we were of the view, when the matter came up before us on 25.7.2017, that an inspection should be caused not only of the

appellants' institutes, but of two other institutes viz., Vidyarthi ITI and M/s. Rajiv Gandhi, ITI (which the appellants alleged were being run benami by Government officials), by a team of experts; and to call for a report from them on the infrastructural and other facilities being provided by all these institutes.

Pursuant to the aforesaid order of this Court, a team of experts headed by the Head of Department, Mechanical Engineering, NIT, Warangal, have caused an inspection, and have submitted their report. While the report discloses several deficiencies in the infrastructural and other facilities provided by the appellants' institutes, and the other two institutes which still continue to operate, Sri K. Jaganmohan Reddy, learned counsel for the appellants, would point out that, even in terms of the prescribed handbook, the NCVT is required to give these institutes time to rectify the deficiencies pointed out in the report; and only thereafter consider whether or not the institutes should be de-affiliated.

While we see no reason to set aside the order of de-affiliation as that would result in these institutes, which have been found not to have provided the required infrastructural and other facilities by the committee in the report submitted to us, functioning without providing the necessary infrastructure to impart training to the students who join these institutes, we are satisfied that the NCVT should grant the appellants herein an opportunity to rectify the deficiencies; and

thereafter take a decision whether or not the order of de-affiliation passed by them earlier should be withdrawn.

A copy of the report of the committee has been handed over to the learned Asst. Solicitor General of India who undertakes to submit the same to the National Counsel for Vocational Training within one week from today. The NCVT shall examine the contents of the said report, and call upon each of the appellants' institutes, and the two other institutes viz., Vidyarthi Pvt. ITI, Warangal and Rajiv Gandhi Pvt. ITI, Warangal, to rectify the deficiencies within three weeks thereafter. They shall cause an inspection of the premises of these institutes within two weeks of receipt of intimation from the appellants and the other two institutes that they have complied with the deficiencies pointed out in the report, and verify whether or not the deficiencies have been complied with by the appellants and the other two institutes. On the basis of the report of the re-inspection committee, that the appellants and the other two institutes have rectified the deficiencies, the NCVT shall pass orders whether or not the de-affiliation order passed by it earlier should be continued or withdrawn. The entire exercise, culminating in final orders being passed on whether or not the earlier order of de-affiliation should be continued, shall be completed within a period of ten weeks from today.

Sri K. Jaganmohan Reddy, learned counsel for the appellants,
Sri B. Narayana Reddy, learned Assistant Solicitor General of India,

and learned Government Pleader for Labour and Employment (Telangana) agree that, in view of the order now passed by us, the writ petitions can also be disposed of.

All the writ appeals and the writ petitions are accordingly disposed of. Miscellaneous applications, if any pending in all these matters, shall stand closed. No order as to costs.

RAMESH RANGANATHAN, ACJ

J. UMA DEVI, J

Dt. 7.8.2017

NB:

CC of judgment be furnished in two days.

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