

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.30865 OF 2017

Date 14.08.2017

Between:
Terli Private ITI.

..... Petitioner

AND

The Joint Secretary-cum-Director General of Training,
Ministry of Skill Development and Entrepreneurship
(MSD), Sivaji Stadium, Annex Building, Connaughts
Place, New Delhi and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 30865 of 2017

ORDER:

Petitioner, a private ITI, being run in backward rural area of Vizianagaram District, made application to respondent No.2 through online for grant of additional units in relation to electrician and fitter trades for academic year 2017-2018. Respondent No.2 fixed the date of site visit of inspection team on 10.07.2017, and the inspection team had, in fact, visited the site on 16.07.2017 and pointed out certain deficiencies with respect to infrastructure and also required the petitioner to furnish certain documents. The entire process was required to be done within three days through online. Unfortunately, on account of cyclone and consequent power failure, internet facility was not available resulting in the petitioner not able to upload the compliance report through online, as required. Citing the very same reason on 19.07.2017, petitioner's application has been rejected. Therefore, a direction is sought for the respondents to consider the application of the petitioner as it is now ready to upload the necessary information pursuant to the deficiencies pointed out through the communication dated 15.07.2017.

Heard the learned counsel for the petitioner.

Smt S.Siva Kumari, learned Standing Counsel appearing for respondent Nos.1 and 2, would submit that the order of the respondents cannot be found fault with as the petitioner had failed to upload the compliance report with respect to the deficiencies pointed out by the inspection team, within the stipulated time. In those circumstances, she prays for dismissal of the writ petition.

Considered the respective submissions and the material placed before the Court, the newspaper clippings of the relevant dates i.e. 16.07.2017 and 17.07.2017, which disclose that there was a cyclone in the costal area of Andhra Pradesh, particularly in Visakhapatnam region. This Court also took judicial note of the fact that in rural areas, to prevent damage during cyclone time, to the life and limb, on account of falling of tree branches on the electrical poles, causing loss to the public at large, it is in practice to switch-off the power supply. The reason stated by the petitioner for not uploading the compliance report is on account of non-availability of internet facility during that period due to power failure. This aspect of the matter is required to be considered by the respondents.

In the peculiar facts of the case and considering the fact that the facility of uploading the information and making a request through is not available to the petitioner during the said period, this Writ Petition is disposed of

giving liberty to the petitioner to upload compliance report within three days from the date of receipt of a copy of this order and make a representation to the respondents to take necessary steps in accordance therewith. While making the representation, the petitioner shall make a mention of the liberty given by this Court in this Writ Petition. As and when such a representation is made, the respondent – authorities shall consider the same within a period of two weeks therefrom, in accordance with law. The petitioner shall also make such application through registered post to the respondent – authorities, simultaneously.

Miscellaneous Petition, if any, shall stand closed. However, in the circumstances, without costs.



CHALLA KODANDA RAM,J

Date: 14.09.2017
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