

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP No.20972 of 2017 (O&M)

Date of Decision : 15.09.2017

Guru Brahmanand Private, ITI Village Raipur Roran
and another

..... Petitioners

Versus

Director General of Employment and Training
and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.S.Momi, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing the impugned letter GB.PVT.ITI/896 dated 28.07.2017(Annexure P-11), whereby approval/affiliation for National Council of Vocational Training for the petitioner No.1 was rejected.

There are two petitioners in this petition. Petitioner No.1 is Guru Brahmanand Private, ITI and petitioner No.2 is Guru Brahmanand Shiksha Samiti.

Learned counsel states that actually the petitioner No.2-Samiti is head quartered or has its postal address in village Raipur Roran, P.O. Arjhaheeri, District Karnal. Adjacent to the revenue limits of village Raipur Roran are the revenue limits of village Barana and the petitioner No.2 had taken land on lease in village Barana at the border between the two villages

sought approval from the State of Haryana in the year 2007 somehow this distinction was not brought out that though the parent body viz. the Samiti has its postal address at village Raipur Roran the institute was actually set up in village Barana. Notwithstanding this 'clerical mistake' (as termed by the learned counsel) the State of Haryana granted approval. Thereafter, on 30.04.2010 the respondent No.1 also approved the institute by referring to its location as Raipur Roran. In continuation of this chronology of errors the petitioners then moved the present application to the respondent No.3 in which again the address was mentioned as village Raipur Roran, P.O. Arjhaheeri, Tehsil Nilokheri, District Karnal. Now by the impugned order the respondent No.3 has rejected the application on the ground that while the institute was shown to be in village Raipur Roran it was not actually over there.

Learned counsel has very fairly accepted that this whole confusion has arisen from the fact that right from the beginning the petitioners did not clarify that the Samiti was located at one place while the Institute was located at another place. In normal circumstances even if this admission is there it would not be a bar for the petitioners to move a fresh application clarifying this aspect and seeking affiliation.

Learned counsel for the petitioners prays that this Court should order that in case any such application is made it would be examined on merits.

I can see no harm in issuing this direction even in the absence of the respondents and consequently, dispose of this petition with a direction to the respondent No.3 to consider any application which may be made afresh on merits in terms of today's order.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

15.09.2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No