

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.27276 of 2015
Date of Decision: October 12, 2017

Carrier Computer Education Society, LoharuPetitioner
versus
Union of India and othersRespondents

[2] Civil Writ Petition No.27581 of 2015
Date of Decision: October 12, 2017

Udit Educational and Vocational Training Society, TohanaPetitioner
versus
Union of India and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Sajjan Singh, Advocate, for the petitioner(s).
Mr.Alankar Narula, Advocate, for
Mr.Prateek Gupta, Advocate, for respondent No.1.
Mr.Vishal Garg, Additional AG, Haryana.

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Surya Kant, J. (Oral)

This order shall dispose of CWP Nos.27276 and 27581 of 2015. The petitioners in these cases are self-financed private institutes who impart training in vocational courses under the Industrial Training Department, Government of Haryana. In the first case, i.e., CWP No.27276 of 2015, the petitioner-Society is running Ideal Private I.T.I. at village Singhani Loharu, District Bhiwani to whom Government of India, Ministry of Skill Development and Entrepreneurship, Directorate General of Training, New Delhi granted affiliation vide memo dated 02.09.2015 (P-1) to admit students in the Trades of Electrician, Wireman, Fitter and HSI. In the second case, i.e., CWP No.27581 of 2015, the petitioner-Society is running an Institute in the name of Ratia Private ITI, Tohana, District Fetehabad to whom the Government of India, Ministry of Skill

Development and Entrepreneurship, Directorate General of Training, New Delhi accorded affiliation vide memo dated 30.07.2015 (P-1) to admit students in the Trade of Electrician.

[2] Pursuant to the aforesaid affiliations, the Industry Training Department, Haryana, permitted the petitioner in first case (CWP No.27276 of 2015) to admit students in the approved Trades before the cut-off date of 17.09.2015. In the second case (CWP No.27581 of 2015), the cut-off date for admission was 31.08.2015. There was no common entrance test or merit list for the purpose of admission and it was free for the Institutes to admit the students subject to their minimum eligibility condition. The petitioner in the first case admitted the students before the cut-off date. The information re: admission to be made by the Institutes, however, was to be uploaded on the web-portal of the Department on the last date of admissions. Similarly, the petitioner in the second case also claims to have made admissions before the cut-off date.

[3] The common ground taken by both the Institutes is that due to technical snag in the web-portal of the Department, it could not be opened on the last date of admissions, hence they could not upload the information regarding admissions made by them upto the cut-off date. In the first case, the petitioner has taken a specific plea that on the very next day, the information was sent to the Department through mail giving details of the students admitted by it. The Department held an enquiry and came to the conclusion that out of 178 admissions made by the petitioner in the 1st case, only 103 were admitted prior to cut-off date and remaining 75 were admitted after the cut-off date. Similar stand has been taken in the 2nd case to the effect that 29 students were admitted after the cut-off date. As the

Department cancelled the admissions of 75 students in the 1st case and 29 students in the 2nd case being admitted after the cut-off date, both the Institutes have approached this Court.

[4] A learned Single Judge vide order dated 24.12.2015, passed in the 1st case (CWP No.27276 of 2015), issued the following interim directions:-

“... In the meantime, the respondents will accept the admission forms of the 75 students, subject to the final decision of the writ petition. The said order is purely provisional and the Institute will not be entitled to claim any right of equity. The result of the said students shall also not be declared, till further orders.....”

[5] Similar order was passed in the second case (CWP No.27581 of 2015) on 28.12.2015.

[6] It is undeniable that pursuant to the above-stated interim orders, the students alleged to have been admitted after the cut-off date, have been pursuing their Courses in the petitioner-Institutes. It is also not in dispute that the duration of all the Trade Courses is either one year or two years. In the case of one year Trades, all the students have by now completed the course and where the duration of the Trade-Course is two years, the course is eventually complete though final certification will take some time.

[7] The question which thus arises for consideration is as to what should be done by this Court at this stage?

[8] It appears to us that the factual issue as to whether the students in question were admitted by the petitioner-Institutes before or after the cut-off date, has been rendered academic, for the reason that even two years

maximum duration of the Courses has expired and all the students have now completed their Trade Courses. At this juncture, any observation against them would necessitate loss of two valuable academic years. It thus appears expedient and desirable to confirm the interim orders dated 24.12.2015 and 28.12.2015 and direct the respondents to regularize the admission of 75 students in 1st case (CWP No.27276 of 2015) and 29 students in the 2nd case (CWP No.27581 of 2015), who are said to have been admitted after the cut-off dates(s).

[9] The writ petitions stand disposed of accordingly.

[10] This order, however, shall not be a premium or permission to the petitioner-Institutes to admit the students after the cut-off date. It is directed that henceforth the petitioner-Institutes shall strictly observe the prescription of cut-off date by the Department and in the event of any fault on their part, they would face serious consequences including imposition of exemplary penalty by the Department.

[SURYA KANT]
JUDGE

October 12, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No
<i>mohinder</i>		JUDGE