

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

- [1] Civil Writ Petition No.27085 of 2016.
Date of Decision: August 30, 2017
Ch.Punjab Singh Foundation (Regd.)Petitioner
versus
Government of India and othersRespondents
- [2] Civil Writ Petition No.27086 of 2016
Shri Raja Ram Memorial Trust (Regd.)Petitioner
versus
Government of India and othersRespondents
- [3] Civil Writ Petition No.26973 of 2016
Aadarsh Shiksha Sewa Samiti (Regd.), KaithalPetitioner
versus
Government of India and othersRespondents
- [4] Civil Writ Petition No.27087 of 2016
Shri Harphool Giri Jansewa Shiksha Samiti (Regd.)Petitioner
versus
Government of India and othersRespondents
- [5] Civil Writ Petition No.27164 of 2016
Om Welfare and Educational TrustPetitioner
versus
Union of India and othersRespondents
- [6] Civil Writ Petition No.27185 of 2016
Lord Krishna Education SocietyPetitioner
versus
Union of India and othersRespondents
- [7] Civil Writ Petition No.27198 of 2016
Ram Education Society, RatiaPetitioner
versus
Union of India and othersRespondents
- [8] Civil Writ Petition No.27208 of 2016
Tosham Siksha Samiti Tosham (Regd.)Petitioner
versus
Government of India and othersRespondents

- [9] Civil Writ Petition No.27216 of 2016
J.B.D.M. Siksha and Samaj Kalyan Samiti (Regd.)Petitioner
versus
Government of India and othersRespondents
- [10] Civil Writ Petition No.27222 of 2016
Lord Vishnu Educational Society (Regd.)Petitioner
versus
Government of India and othersRespondents
- [11] Civil Writ Petition No.27233 of 2016
Janta Education Society (Regd.)Petitioner
versus
Government of India and othersRespondents
- [12] Civil Writ Petition No.27341 of 2016
Chamarkhera Educational Research and Welfare Society (Regd.)Petitioner
versus
Government of India and othersRespondents
- [13] Civil Writ Petition No.27343 of 2016
Shri Ram Nath Educational and Welfare Society (Regd.)Petitioner
versus
Union of India and othersRespondents

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

Present: Mr.R.K.Malik, Senior Advocate with
Mr.Mandeep Singh, Advocate,
Mr.P.K.Chugh, Advocate,
Mr.Vinod S.Bhardwaj, Advocate,
Mr.Sajjan Singh, Advocate,
Mr.Kuldeep Singh, Advocate,
for the petitioner(s)

Mr.Aseem Aggarwal, Advocate,
Mr.Satish Singla, Advocate,
Mr.Shivoy Dheer, Advocate,
Mr.Vinod Sharma, Advocate,
for the respondent Nos.1&2.

Mr.Vishal Garg, Additional AG, Haryana.

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.27085, 27086, 26973, 27087, 27164, 27185, 27198, 27208, 27216, 27222, 27233, 27341 and 27343 of 2016 as common questions of law and facts are involved in all these cases.

For brevity, the facts are being extracted from CWP No.27085 of 2016.

The petitioners are private un-aided Industrial Training Institutes which have been approved and recognized for imparting training in Craftsmanship.

[2] Originally, last date to grant admission under the Craftsman Training Scheme for the academic session 2016-17 was 31.08.2016 which was further extended till 15.09.2016. Thereafter the Government of India, Ministry of Skill Development & Entrepreneurship Department, vide memo dated 06.10.2016 (P-2) informed all the States/U.Ts. that last date for admitting trainees has been extended upto 09.10.2016 for the Industrial Training Institutes which were granted affiliation by the Sub-Committee of National Council of Vocational Training (for short, 'NCVT') in its meeting held on 23.09.2016 and 07.10.2016.

[3] The petitioner-Institutes are also amongst those to whom affiliation was granted by the Sub Committee of NCVT on 23.09.2016 or 07.10.2016. Only time left with them to grant admission was thus till 09.10.2016, namely, the extended date contained in the Government letter dated 06.10.2016.

[4] The Director, Industrial Training Department, Haryana,

nevertheless vide impugned memo dated 15.12.2016 (P-9) has declined to

accord approval to the admissions granted by the petitioner-Institutes on the ground that the NCVT letter dated 07.10.2016 granting them affiliation was received in the Department on 10.10.2016 at around 4.00 p.m. through mail. The same stand has been taken by the State of Haryana in the written statement as well.

[5] The Government of India, however, in its written statement has belied the plea taken by the State of Haryana and has categorically averred in preliminary submission No.3 that the decision to extent the date upto 09.10.2016 for the Industrial Training Institutes who were granted affiliation by the Sub-Committee of NCVT in its meeting held on 23.09.2016 and 07.10.2016 was uploaded at the NCVT MIS Portal on 07.10.2016 and was also sent to the concerned States by e-mail as well as by speed post. In preliminary submission No.4 it is further averred that affiliation order of the petitioner-Institute(s) was also issued on 07.10.2016 and it was uploaded at the NCVT Portal and the concerned were informed by e-mails....., “hence the same should be treated as received as on 7.10.2016 itself”.

[6] The averment that the above-stated orders were uploaded on NCVT Portal on 7.10.2016 and were sent by e-mail on the same day has gone un-rebutted.

[7] It may also be mentioned at this stage that vide interim order dated 23.12.2016 this Court directed the respondents to accept the examination forms of the students of petitioner-Institute(s) provisionally and that the Institutes will ensure to impart classes for minimum 90 days, if need be, by holding extra classes.

[8] It is also a matter of record that pursuant to the interim

directions issued by this Court, the respondent-authorities themselves have regularized the admissions made by the petitioner-Institutes but have imposed a rider on the petitioner(s) to furnish bank guarantee of Rs.1.00 lac per unit.

[9] The only issue which survives for adjudication is thus whether the respondent-authorities are well within their powers to impose the condition of furnishing bank guarantee of Rs.1.00 lac per unit on the petitioner-Institute(s)?

[10] We have heard learned counsel for the parties at a considerable length and have summoned the officers also to explain the rationale, if any, behind imposing such condition. The only plea taken is that the petitioner-Institute(s) did not inform the department well in time regarding grant of affiliation to them or for extension of date of admission. Both these objections are liable to be negated in view of the categorical stand taken in the written statement by the Government of India to the effect that both the orders passed to this effect were uploaded on the portal of NCVT on 7.10.2016 and were sent through e-mail to the concerned States including the respondents. Still further, the petitioner-Institute(s) cannot be accused of any delay in informing the authorities much less any deliberate inaction on their part. We say so for the reason that the orders of extending the date for admissions or grant of affiliation to most of these Institutes were passed on 07.10.2016 which was Friday. On 08.10.2016 (Saturday) and 09.10.2016 (Sunday) the offices of the respondents were closed. In such circumstance, hard copy of the orders could not be presented before 10.10.2016. We thus do not find any valid ground in imposing the condition of furnishing bank guarantee of Rs.1.00 lac per unit on the petitioner-Institutes.

[11] In the light of the above discussion, the writ petition(s) is/are allowed and the impugned order imposing condition of furnishing bank guarantee of Rs.1.00 lac per unit on the petitioners is set-aside. The admissions made by the petitioner-Institutes within the extended period shall stand regularized for all intents and purposes.

[12] Ordered accordingly

[SURYA KANT]
JUDGE

August 30, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No