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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 861/2017
SWATI NAVYA PRIVATE INDUSTRIAL TRAINING INSTITUTE
(ITI) AND ANR Petitioners
Through: Mr.Pankaj Kumar, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr.Ravi Prakash, CGSC with
Mr.Farman Ali, Mr.Sankalp Jain, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **01.02.2017**

The present petition has been filed by the petitioners seeking the following reliefs:-

“(a) Direct the respondent no.1 and 2 that affiliation to petitioner institute be granted for academic session year 2016-17’;

(b) Direct the respondent no.1 and 2 that consequential rights accruing be granted which amongst inter alia include examination/supplementary examination for academic session year 2016-17;

(c) Quash the order dated 07.01.2017 passed by the respondent no.1 and 2;

(d) Pass such other order or orders that may be deemed fit and proper in the facts and circumstances of the present case.”

Learned counsel for the petitioners states that in terms of communication dated 7th January, 2017, the petitioner has been granted affiliation for the next academic session 2017-18.

Having heard the learned counsel for the petitioners as the reliefs prayed for, are for the academic session 2016-17, they cannot be granted in

view of the judgment of this Court in case titled *Samrat Ashok Private ITI & Ors. Vs. Directorate General of Training (DGT)* in WP(C) No.9444/2016 and connected writ petition decided on 6th December, 2016, wherein this Court in paragraphs 22 to 26 has held as under:-

“22) Having heard the learned counsel for the parties, the only question, which arises for consideration is whether the petitioners are entitled to extension of time for admitting the students. There is no denial to the fact that the petitioners in these petitions were given effectively two days for affecting admission of the trainees. During the course of the submission, Mr.Sharawat also conceded to the fact that the petitioner in WP(C) 9444/2016 had also made admission of 16 students on October 1, 2016 and October 3, 2016. This was despite the fact that there was no extension of time for admitting the trainees. No doubt, Mr.Sharawat would submit that the said admissions would be treated as illegal. Regrettably, it may be stated here the aspect of admitting the students both on October 29, 2016 and October 30, 2016 in WP(C) No.9444/2016 and on October 8, 2016 and October 9, 2016 in WP(C) No.9711/2016 has not been mentioned in the writ petition. An impression has been given in the petitions as if pursuant to the affiliation, no admissions have been made. Be that as it may, the player in the writ petitions is for seeking extension of time for making admissions. Whether such a relief can be granted when the course having commenced on October 10, 2016 and when the instruction stipulates 90 days as the minimum training to be undertaken by a trainee for sitting in the exam to be held on February 2, 2017. The answer must necessarily be ‘No. This I say so for the reason that today’s date being December 6, 2016 and the exam to be conducted on February 2, 2017, an Institution is left with 58 days of training, out of which 15/20 days need to be excluded for calling applications and admitting students, which shall be around 43 days.

23) The submission of Mr.Sharawat that the instruction dated June 21, 2016 must be read in conjunction with the communication dated January 7, 2017 is unsustainable, more particularly when we are left with 43 number of days and 70% attendance thereof would be around 30 days and additionally 5%

relaxation would bring the figure further down.

24) Insofar as the plea of Mr.Sharawat that in the past also, the respondent had held the examination in the month of March, 2017 is also unsustainable. I agree with the submission made by Mr.Goyal that any change in the examination date would affect the semester/examination date across all that it is in the country and which would further have a bearing on the commencement and ending of the second semester.

25) The plea of Mr.Sharawat that because of the non extension of time for admitting the students has affected more than two lakhs students is also unsustainable for the reason, such a plea cannot be canvassed by an institution. No student has come forward to plead his case. Even if such a plea was advanced by the student, the same would be unsustainable today in view of my conclusion above.

26) The submission of Mr.Sharawat that the institution shall make all its effort to complete the training of 90 days on or before February 2, 2017 by holding extra classes is also not sustainable because of the number of days remaining, which in the opinion of this Court, the training cannot be completed by any means and this Court would not like to pass such an order which is impractical and shall lead to confusion and inconvenient.”

The petition is devoid of merit and the same is dismissed.

CM 3958/2017 (stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

**FEBRUARY 01, 2017
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