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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6167/2017 & C.M. No. 25649/2017

VEDANTA PRIVATE ITI

..... Petitioner

Through Mr.Sanjay Sharawat, Advocate.

versus

DIRECTORATE GENERAL OF TRAINING & ANR

..... Respondents

Through Mr.C.M.Goyal and Ms.Meghna
Rohtagi and Mr.Bhagat Singh, T.O.
(DGT) for R-1.

Mr.Sagar Shivam for Mr.Vikas
Chopra, Advocate for R-2/QCI.

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HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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27.07.2017

1 Petitioner is aggrieved by the communication dated 17.07.2017. Vide this communication respondent no.2 had rejected the application of the petitioner who had sought affiliation.

2 Record shows that the petitioner had submitted his application seeking affiliation on 11.4.2016. This was qua three trades i.e. "Electrician Trade, Fitter Trade, and Health Sanitary Inspector Trade". A site visit was conducted by respondent no.2 at the site of the petitioner on 18.6.2016. This was for the last academic session. The respondent again conducted a visit at the site of the petitioner on 08.7.2017. 50 non-conformities were raised which as per the petitioner have been replied except one i.e. the NC relating to the

trade of Health and Sanitary Inspector. For this trade the requirement was that the width of the workshop would be 5 meters. On inspection it was found that the width of the workshop of the Health Sanitary Inspector was less than 5 meters; this was conceded by the petitioner. His submission is that the admittedly the width of the workshop of the Health Sanitary Inspector is 4.45 meter which is less than 5 meter. His additional submission is that the requirement was that the workshop should be 40 sq. meters; the area is more than 40 sq. meter but the width of the workshop is less than 5 meter. This NC was removed by the petitioner within time span as has been allowed to him i.e. by 13.7.2017. It was informed to respondent no.2 that the width of the workshop of the Health Sanitary Inspector had increased to 5.10 meter. It has increased from the gate side area and the video of this has been uploaded along with the video of his lab and the map of the building. Submission of the petitioner is that this documentary evidence was well available with the respondent and this NC also having been satisfied, the respondent no.2 has committed an illegality by rejecting his application for affiliation.

3 Counsel for respondent no.2 under instructions submits that such like infrastructural changes/shortcomings cannot be verified through a video. The only way to verify was through a re-inspection of the site which was not permissible. Learned counsel for the respondent points out that as per the guidelines of respondent no.1 under which the respondent no.2 is working and the communication dated 28.5.2017 (Annexure P-4) site visit is permitted only once and no revisit is permitted; the application has to be rejected and the

petitioner has to apply afresh. Submission on this score being that a second visit was not permissible and removal of this defect which related to an infrastructural shortcomings not being able to be assessed through a video picture, the application of the petitioner was rightly rejected.

4 In rejoinder, learned counsel for the petitioner points out that the petitioner had applied on 11.4.2016; the QCI/respondent no.2 had visited his site on two occasions i.e. on 18.6.2017 and again on 08.7.2017; this by itself negatives the arguments of the respondent that he cannot do a revisit.

5 On this score learned counsel for respondent no.2 has highlighted the minutes of their meeting dated 25.5.2017 which the minutes are of the meeting of the Accreditation Committee of respondent no.2. They read as under:

“After detailed deliberation, Accreditation Committee made following recommendations w.r.t. to guidelines to be followed for processing of the above mentioned approx.2526 pending application of old and new portal:

(i) *In order to ensure that the ITI applicants which have already closed their site visit NCs are having required infrastructural facilities as on date, these should be visited (at the cost of QCI) after informing the concerned applicant 3-4 days in advance. Further, in case of ITIs placed under re-visit category, a complete visit should be undertaken instead of only verification of NC's of previous visit.*

6 Submission being that this revisits had been propagated only

for the benefit of such like applicants. It was at the cost of respondent no.2 that these revisits were done; in all those cases where the NCs had been cleared affiliation has been granted; in those cases where the NCs could not be cleared, affiliation could not be granted.

7 This Court notes and endorses this submission of respondent no.2. This Court notes that admittedly at the site of inspection of the petitioner (on 08.7.2017) the width of the workshop of the Health Sanitary Inspector was not as per the requirement. This position is conceded. Submission of the petitioner is that he has cleared it and videographed it and sent the same to the respondent. This may be a correct submission but the submission of learned counsel for respondent no.2 on this score is also correct which is to the effect that an infrastructural shortcoming cannot be verified through a video. For such a clearance respondent no.2 necessarily had to make a revisit but as per the NCVT guidelines (Annexure P-4 dated 28.5.2017), this was not permissible for respondent no.2. Respondent no.2 was thus well within its authority to reject the application of the petitioner. This petition is without any merit. It is dismissed with costs quantified at Rs.25,000/-.

INDERMEET KAUR, J

JULY 27, 2017

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