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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6259/2017 & C.M. No.25958/2017
AADISHAKTI PRIVATE ITI

..... Petitioner

Through Mr. Sanjay Sharawat, Adv.
versus

DIRECTORATE GENERAL OF TRAINING & ANR

..... Respondents

Through Mr. C.M. Goyal, Adv for R-1.
Mr. Sagar Shivam for Mr. Vikas
Chopra, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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24.07.2017

The petitioner is aggrieved by the action/inaction on the part of respondent No. 2. His site was inspected by respondent No. 2 on 05.07.2017. 36 Non-Conformities (NCs) were raised qua the petitioner. This was on 06.07.2017. He had to clear these NCs by 09.07.2017. Further averments in the petition disclose that all these documents have in fact been arranged by the petitioner and they were uploaded at the site on 09.07.2017 when in the afternoon, the manager of the petitioner, looking after the affairs of the petitioner, learnt that his mother Smt. Jafi Devi had expired. In view of this unfortunate incident which led the entire staff of the petitioner to get involved in the cremation and other associated rituals, the manager of the petitioner (looking after the affairs of the petitioner) delegated the task of uploading and closing the NCs on QCI portal to one Mahesh Chauhan. Mahesh Chauhan runs a computer shop in the adjacent area.

Mahesh Chauhan did in fact upload all documents pertaining to 36 NCs within the time span allowed to the petitioner i.e. at 5 PM on 09.07.2017. However the said Mahesh Chauhan did not press the 'submit' button as a result of which these documents could not reach the site of respondent No. 2. The contention of the petitioner is that it was because of the unfortunate circumstances created by the demise of his mother that had led him to delegate this task to Mahesh Chauhan and Mahesh Chauhan in fact could not carry out the last bit of the task for reasons as explained above; submission being that Mahesh Chauhan was not very well versed with computer technology. Additional submission is that the case of the petitioner should not be thrown out only for this reason.

On advance notice learned counsel for the respondents have put in appearance. Learned counsel for respondent No. 2 submits that there is no criteria with respondent No. 2 which permits any reconsideration on sympathetic grounds.

Noting these submissions and counter submissions of the parties and also the fact that the petitioner had procured all the 36 NCs documents on 08.07.2017 but he could not complete the task himself and as necessitated had to delegate it to Mahesh Chauhan and Mahesh Chauhan also in the timeline permitted had uploaded these documents at the site of respondent No. 2 but had inadvertently not pressed the 'submit' button would not straightaway make out a case for rejection.

This Court is of the view that sympathetic considerations should be weighed in favour of the petitioner.

Accordingly, both the parties agree that the petitioner will (either today or tomorrow) appear before the Competent Authority where the petitioner will be granted opportunity to press the 'submit' button in order that the documents which have already been uploaded by the petitioner can be accessed by respondent No. 2; the same shall then be processed in accordance with law.

Petition disposed of in the above terms.

Order be given dasti under signatures of the Court Master.

INDERMEET KAUR, J

JULY 24, 2017

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