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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6322/2017
CPMM PRIVATE ITI Petitioner
Through Mr. Sanjay Sharawat, Adv.

Versus

DIRECTORATE GENERAL OF TRAINING & ANR.... Respondents
Through Mr. C.M. Goyal, Adv for DGT.
Mr. Sagar Shivam for Mr. Vikas
Chopra, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **25.07.2017**

The petitioner is aggrieved by the act of respondent No. 2 who had vide the impugned decision taken on 21.07.2017 rejected the application of the petitioner.

Record shows that the petitioner had applied for affiliation to respondent No. 1. His application was for the last academic session i.e. 2016-2017; date of his application was 12.03.2016. The application could not be processed for that year. It came to be processed for the current academic session. The site visit was conducted by respondent No. 2 at the site of the petitioner on 14.07.2017. Respondent No. 2 raised 49 Non-Conformities (NCs). The petitioner had to answer these NCs by 20.07.2017 i.e. within a period of three days. The petitioner tried to upload the images on his mobile application but due to some error occurring in the mobile and frequent internet disruptions, the petitioner could not upload the documents on his mobile. Portal of respondent No. 2 stood closed on

20.07.2017. Result was that the case of the petitioner could not be processed and his case stood rejected vide the impugned decision dated 21.07.2017.

The petitioner is aggrieved. His submission is that there are certain guidelines of National Council for Vocational Training (NCVT) which are applicable to respondent No. 1 and the same have not been abided by respondent No. 2. Submission is that in terms of modified criteria applicable to respondent No. 2, the application of the petitioner could not be rejected for the next two consecutive sessions meaning thereby that his application had to remain pending for a period of three years. Attention has been drawn to the said criteria which reads herein as under:-

“However, ITIs unable to remove the non-conformities and unable to get affiliation even in the next two consequent sessions will result in cancellation of application and forfeiture of fees”.

This Court is of the view that this argument is mis-conceived. Apart from the fact that in the instant case, the petitioner has not been able to upload any information and to remove the NCs raised by respondent No. 2 either correctly or incorrectly; that apart learned counsel for respondent No. 2 submits that respondent No. 2 who was earlier working at the behest of respondent No. 1 and was carrying out the quality control on their asking, their contract had expired which was renewed only on 26.05.2017. Attention has been drawn to the letter dated 26.05.2017 issued by respondent No. 1 wherein it has been specifically informed that all proposals which do not confer to the NCVT norms would stand rejected; submission being that since

the information sought for by respondent No. 2 from the petitioner had not been forthcoming, it was well within the domain and authority of respondent No. 2 to reject the case of the petitioner.

This Court endorses the submission of respondent No. 2. This Court also notes the fact that the petitioner has advanced lengthy arguments on the NCVT Guidelines; his submission all along being that his case could not be rejected in view of modified criteria to be made applicable to the ITIs. This criteria was formulated on 29.12.2015. Learned counsel for the petitioner has in fact even in his own writ petition filed the communication dated 26.05.2017 addressed by respondent No. 1 wherein it has been clearly provided that all those proposals which do not confer to the NCVT norms should be rejected; QCI/respondent No. 2 was bound to follow this direction of respondent No. 1 as respondent No. 2 is working admittedly under respondent No. 1. By advancing arguments for more than 25 minutes and leading this Court to the various provisions of NCVT which would be wholly inapplicable to the case of the petitioner as this is a clear case where the petitioner having defaulted and not having uploaded information to clear his NCs, the question of adherence or non-adherence to the NCVT would not arise.

This petition is clearly without any merit. It is in fact misconceived. It is dismissed with cost quantified at Rs.10,000/-

INDERMEET KAUR, J

JULY 25, 2017/A