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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6621/2017**

SARASWATI PRIVATE ITI

..... Petitioner

Through Mr.Sanjay Sharawat, Advocate.

versus

DIRECTORATE GENERAL OF TRAINING AND ANR

..... Respondents

Through Mr. C.M.Goyal, C.G.Sr.C. with
Ms. Meghna Rohatgi Advocate for
DGT/R-1.

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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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04.09.2017

Petitioner is aggrieved by the letter of rejection dated 19.07.2017 vide which the application of the petitioner seeking accreditation had been rejected by respondent No. 2.

Counter affidavit has been filed.

Record shows that the institute of the petitioner had been inspected on 07.07.2017. On 12.07.2017, 86 NCs were raised by respondent No. 2. They had to be completed on or before 15.07.2017. They were uploaded accordingly. On 19.07.2017 the application of the petitioner stood rejected.

Petitioner is aggrieved.

The rejection order (passed by respondent No. 2) was based on

13 objections. Learned counsel for the petitioner points out all objections except objection Nos. 4, 5, 12, 13 relate to only one document which has to be interpreted by this court. This relates to the qualification / experience of the instructors in the practical subjects to be taught in the institute. Learned counsel for the petitioner points out that in the Health Safety and Environment Trade the following are the qualifications which are necessary; they read inter alia as under:-

Non-Engineering Trade		
Sl. No.	Name of Post and its status Vocational Instructor/Craft Instructor	Qualifications
36.	Health Safety and Environment	Degree in Fire & Safety Engineering/ Degree in Fire Science with one year experience in the relevant field. OR Post Graduate Diploma in Industrial Safety Engineering/ Fire and Industrial Safety Engineering / Post Graduate Diploma in Health, Safety & Environment with two year experience in the relevant filed. OR Defence Officer JCOs/NCOs with 10 years of experience in the relevant field. OR National Examination Board Occupational Safety and Health (NEBOSH)/ Occupational Safety and Health Administrator (OSHA) Certification - 1 Yr Experience OR NTC/ NAC in the trade of Health Safety and Environment with 3 years experience in the relevant field. Desirable qualification: Preference will be given to a candidate with Craft Instructor Certificate.

Submission being that the instructors which the petitioner institute had employed admittedly had one of the aforementioned qualifications; the rejection order qua these 8 NCs are invalid; it is liable to be set aside.

The respondent has negated the submission of the petitioner. Learned counsel for the respondent points out that as per the Accreditation Criteria of respondent No. 2, qualification / experience qua an instructor for a theory paper is different from a practical paper. Attention has been highlighted to the aforementioned criteria (page 72 of the Accreditation Criteria Booklet). The theory paper envisages the following qualifications. They read herein as under:

Trade-Theory	Academic : 10 th class pass or equivalent Technical : Degree in Appropriate branch of Engineering from recognised University or equivalent. Or Three-Year Diploma in the appropriate branch of Engineering from recognized Board/ Institute or equivalent Practical Experience in an Industry or Training / Teaching Institutes – One Year for Degree Holder Two Year for Diploma Holder
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For a practical paper the qualification are different and they read herein as under:-

Trade Practical	Academic : 10 th class pass or equivalent Technical : National Apprenticeship Certificate in relevant Trade Or National Trade Certificate in relevant Trade Practical Experience in an Industry or Training / Teaching Institutes –Three Years
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Learned counsel for respondent has rightly pointed out the difference; the fact that there is a difference in the qualification and experience of an instructor who is teaching the theory paper and one who is conducting the practical classes are indeed distinct. There is no quarrel on this preposition. Learned counsel for respondent additionally rightly points out that for the non-engineering trade the Health and Safety Environment (as has been highlighted by the learned counsel for the petitioner - quoted supra) is a misunderstanding of the qualifications. There being two separate criteria for the two subjects i.e., theory and practical and instructors of the petitioner admittedly only qualifying in the theory category but what was required (as is evident from the NCs generated by respondent No. 2) was the requisite qualification for the practical subjects; the case of the petitioner must necessarily fail.

Record substantiates this submission of the respondent No. 2. Objections were raised qua several instructors. Qua the status of Arun Kumar Sharma, the NC's raised was at serial number 11, 12, 13, 14, 15, 16 and 62. Contention of learned counsel for the petitioner in the first instance was that all these NCs are identical and so many NCs have been raised qua one objection; they are duplications. This is negated by a perusal of the objections qua the status of Arun Kumar Sharma. These documents show that the objection raised by respondent No. 2 related to not only the qualification of Arun Kumar Sharma as an instructor but his photograph of his 10th class certificate was demanded, a photograph of his higher education certificate, a photograph of his experience certificate; the total number of

experience in years as also a photograph of the declaration were all required. What had been uploaded qua the status of Arun Kumar Sharma was only the experience certificate; his qualifications were not uploaded. This is an admitted position. Respondent No 2, points out that Arun Kumar Sharma possessed was a qualification of the PG Diploma which was not the required qualification as per the DGT norms; he not being an ITI certificate holder; moreover his experience certificate alone was uploaded; his qualification in the academic arena was also a necessary requirement which was also missing.

Learned counsel for the petitioner concedes that the status of the other instructors is also the same. Several NCs had been raised qua the status of other instructors which related both to their academic qualification as also to their experience. What had been uploaded by the petitioner was only their experience certificate and not their academic qualifications. This has been noted in the rejection order. In the light of the findings arrived at by this court qua the aforementioned 8 NCs, there is no need to deal with other five NCs raised by respondent No. 2. The rejection order suffers from no infirmity.

Petition is without merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 04, 2017/SU