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

+ **W.P.(C) 6623/2017**

JAROLIYA PRIVATE ITI

..... Petitioner

Through Mr.Sanjay Sharawat, Advocate.

Versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through Ms.Meera Bhatia, 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 29.7.2017 vide which his application seeking accreditation had been rejected by respondent no.2.

Counter affidavit has been filed.

Record shows that the institute of the petitioner was inspected on 20.7.2017. On 23.7.2017, 29 NCs were raised by respondent no.2; they had to be closed within three days i.e. on or before 26.7.2017. On 29.7.2017 the case of the petitioner stood rejected. The rejection order was passed on the two grounds; they read as under:

“ i) Width of IT lab is less than 3 metre, which requires physical verification.

ii) During verification of Engraving of DG set, it was found that DG set is placed in fitter workshop which is not as per norms.”

Qua the first objection, learned counsel for petitioner points out that although admittedly the width of IT lab of the petitioner was less than 3 metre; it was 2.5 metres but nowhere in the norms of respondent no.1 (DGT) has the width been prescribed.

Respondent in his counter affidavit submits that as per the DGT norms (dated 01.01.2016) at point no.15 the minimum area requirement of a classroom is 25 sq. metres; the width of the classroom should be 3 metres. The width of the ITI laboratory should also accordingly be 3 metres. It is however, admitted that the width requirement of the IT lab has not been explicitly mentioned but the same parameters as are applicable to a classroom should be applicable to the IT lab as well.

Point No.15 which is the measurement norms of the classrooms reads as under:

“Considering enhancement in number of seats in popular trades & additional seats for ISO 29990 institutes, class room size was decided as 25 Sq. mtr. with minimum width of 3 meter. This is applicable for new ITIs & existing ones will have to make accordingly. This will be ensured at the time of Grading of ITIs/Surveillance.”

This norm has been laid down for a classroom. This norm was in fact modified in view of the enhancement of the seats in popular

trades and additional seats for ISO 29990 institutes; the size of the class room was decided as 25 sq. meter with a minimum width of 3 meter. An IT lab is definitely not a classroom.

The submission of the petitioner being that the criteria of a classroom cannot be made applicable to an IT lab and had this been the intention of respondent no.1, this would have been specifically so mentioned. Attention has been drawn to Point No.18 which is an IT lab specification. This IT lab (Specification and Equipment) reads as under:

“All Government and Private ITIs are required to set up an exclusive computer lab with internet connectivity n every computer with multimedia.

If Dongles used separate dongles for each PC or sharing allowed.

The setup of IT lab must have minimum 10 computers/workstation and peripheral with internet facility irrespective of trade for an ITI.”

This specifications for an IT lab do not have any measurement norms about the size of the IT lab. It specifies that the IT lab is required to have an exclusive computer lab with internet connectivity with a minimum 10 computers/workstations. Nowhere has the size including the width of the IT lab been detailed.

The submission of the petitioner on this count being that the rejection order on the ground “width of the IT lab is less than requirement norms” and there being no required norm for an IT laboratory is thus a correct submission.

This Court endorses this submission of the petitioner. This Court notes that the size norm for a classroom has been laid down but there is no size norm for an IT lab; had the intention of respondent no.1 to have the same size for a classroom vis a vis an IT lab; it would have been so specified. A reading of Point Nos.15 and 18 (modified norms of respondent no.1) persuades this Court to hold that this was not the criteria.

The rejection order being premised on the ground that the width of the IT lab is less than “the required norm” and there being no such required norms (as argued successfully by learned counsel for petitioner), this Court is constrained to hold that this objection cannot really be entertained.

Admittedly, the area of the ITI lab was about 25 meter but it had a width of 2.5 meter. It is not the case of respondent no.2 that the other requirements (which are contained in the Point No.18) have not been adhered to. There being no required norms for the width of the IT laboratory this objection necessarily has to be ignored.

The second objection raised by the respondent relates to the verification of the engraving of the DG set. Submission is that this DG set was placed in the fitter workshop which is not as per the norms. Contention of the petitioner on this score is that the NC raised by respondent no.2 on the DG set related to the issue of grouting (as is clear from the NC No.24.) The objection of respondent no.2 was whether the grouting of the DG set was available or not. This had been answered by the petitioner. It was nowhere the objection of respondent no.2 that the DG set was placed at a wrong place i.e. in the

fitter workshop.

A video uploaded of the DG set has been played by respondent No. 2 to substantiate his submission that the DG set is placed in the fitter workshop.

This Court is however of the view that this NC not having been raised upon the petitioner and the petitioner having been granted an opportunity to answer this objection, the principles of natural justice would disentitle respondent no.2 to premise its rejection order on this objection; not being a part of the NC raised qua the petitioner.

The fact that this NC i.e. placement of the DG set in the fitter workshop was not raised is an admitted position.

In the judgment of the Apex Court reported as (1978) 1 SCC 405 Mohinder Singh Gill and Anr. Vs. The Chief Election Commissioner, New Delhi and Ors. such a position was examined. The Court had inter alia held as under:

“The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose J. in Gordhandas Bhanji.

Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant,

or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to effect the acting and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.

Orders are not like old wine becoming better as they grow older:”

The objection not raised, principles of natural justice, would disentitle the respondent to use this as a ground of rejection.

Both the aforementioned grounds not being available to the respondent no.2, the case of the petitioner must succeed. Respondent no.2 will process the case of the petitioner.

Submission of the respondent no. 2 at this stage, is that all the pending files have been forwarded to respondent no.1.

Be that as it may, noting the position as it stands, if the file is not with respondent no.2 and has been forwarded to respondent no.1, the same shall be considered by respondent no.1 and if need be remitted back to respondent no.2 for necessary action.

Petition disposed of in the above terms.

INDERMEET KAUR, J

SEPTEMBER 04, 2017

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