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

+ W.P.(C) 6800/2017

BERS PRIVATE ITI

..... Petitioner

Through Mr.Sanjay Sharawat, Advocate.

Versus

DIRECTORATE GENERAL OF TRAINING AND 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 21.9.2016 vide which his application seeking accreditation had been declined by respondent no.2. Contention is that this order is illegal.

Counter affidavit has been filed.

Record shows that the institute of the petitioner has been inspected on 10.7.2017. 19 NCs were raised on 15.7.2017 which had to be completed on or before 18.7.2017. On 21.7.2017 a letter of rejection was received by the petitioner on 4 grounds. This Court notes that the last two grounds i.e. the ground nos.3 and 4 had been dealt with in the connected writ petition i.e. WP(C) No.6800/2017

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those grounds do not survive in view of the orders passed in that petition. They are accordingly not being answered. This has also been noted in the order passed in that writ petition i.e. WP(C) No.6800/2017.

The grounds which have to be answered in the present writ petition read as under:

“1) Exhaust system of DG set is not proper.

2) Power connection of ITI is not three phase non-domestic.”

Qua the first objection i.e. on the exhaust system of the DG set not being proper; the counter affidavit of the respondents states that the image of the DG set which has been uploaded (placed on record) clearly shows that the exhaust pipe of the DG set was inside the room itself; it did not have an outlet; in the absence of which the smoke would have collected in the room. Learned counsel for respondent has drawn attention of this Court to the uploaded photograph; this photograph shows that the DG set has been placed in an area which is not an enclosed space; it has a three side cover with a roof; one side is open. The pipeline, however, shows that there is no smoke outlet emanating from the room; the outlet is horizontally placed meaning thereby the smoke would emanate into an open space.

Learned counsel for petitioner further points out that a correction has also been made and another pipe has also been attached showing that the outlet is now from the roof; meaning thereby that no smoke would collect in the room.

These photographs have been perused. There is no quarrel on

these facts. The admitted position however is that at the time of the inspection of the institute the DG set was placed in a position where its smoke outlet was in the room itself; it was only later on corrected to make the outlet project out from the roof. Thus at the relevant stage this was definitely not as per the norms of respondent no.1. The petitioner was well aware of the manner in which the DG set has been placed in the room; this improvement effected now after the inspection and the submission of respondent no.2 on this count being that this can only be verified by re-inspection is an objection which has force. This objection cannot be overruled.

The second objection raised by respondent no.2 relates to the power connection of the ITI which was neither a three phase connection and nor was of non-domestic. The position is admitted. At the time of inspection of the institute (10.7.2017) the institute had a domestic connection and it was not a three phase; it was a single phase; this was corrected later on i.e. on 26.5.2017 and the document at page 76 (filed along with the counter affidavit of respondent no2) substantiates this position. This position is also not in dispute. Additional submission of respondent no.2 on this count being that this correction by the petitioner also requires revisit; it can only be verified by a revisit as to whether the petitioner institute has a three phase connection and is non-domestic; although the document has been uploaded but a physical inspection would also be necessary on this count.

The fact that the norms of the respondent specifically specify that an institute of such a nature should have a three phase and a non-

domestic connection was a position well known to the petitioner. At the time of inspection it was for the petitioner institute to have ensured that this criteria had been complied with. It not having been complied, this rectification (even if valid) cannot be validly accepted without a re-inspection which is not permitted for the current academic session. This objection also has a force. The Rejection order suffers from no infirmity. Petition is without any merit.

Petition dismissed.

INDERMEET KAUR, J

SEPTEMBER 04, 2017

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