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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7065/2017

GANESH 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, Adv for QCI

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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11.09.2017

The petitioner is aggrieved by the letter of rejection dated 06.08.2017 whereby his application seeking accreditation had been rejected by respondent No. 2 (Quality Council of India).

Record shows that the institute of the petitioner was inspected on 08.07.2017. On 28.07.2017 respondent No. 2 raised 112 NCs which had to be closed within three days i.e., on or before 30.07.2017. Response to all these NCs were uploaded by the petitioner before that date. On 06.08.2017 respondent No. 2 passed rejection order. Rejection order was premised on the following eight grounds:-

- “1. Not satisfied with response against the NC raised as still no safe and clean drinking water facilities available in ITI.

2. Revised Building layout is not as per norms i.e. dimensions are not as per norms.
3. Proper Address proof not provided.
4. Meter sealing report is not acceptable as discrepancy found earlier uploaded electricity bill on the portal (shows the connection in the name of Shri Ganesh College and Education of sanctioned load 5 KW) and meter sealing (Shows connection in the name of ITI of sanctioned load 25 KW) uploaded during the site visit and against the NC raised. Other courses also running in the same premises. No separate building/blocks dedicated for the ITI.
5. Chairs in IT lab is not as per norms.
6. Lathe machine is not properly grouted.
7. Fire tender availability not verified from the uploaded video against the NC raised.
8. DG set not installed as per norms.”

Learned counsel for the petitioner has attempted to give an explanation qua all the aforementioned 8 grounds.

Respondent has not filed his counter affidavit but he has instructions to argue the petition. Learned counsel for the respondent submits that the objection raised by respondent No. 2 qua NC No. 4 and 7 would by themselves be sufficient to reject the case of the petitioner and the other grounds may not be necessarily have to be adverted to.

This court accordingly will deal with objection No. 4 in the first instance. The learned counsel for the petitioner in support of this objection has placed reliance upon a document at page No. 70. This is a certificate issued by the Assistant Engineer of the Ajmer Vidyut Vitran Nigam Ltd., Ajmer (08.08.2017). This certifies that a separate electricity connection to Shri Ganesh Private ITI with 25 KW and a separate connection to Shri Ganesh College with 5KW has been provided and both the connections are in separate premises. The connection of the ITI was made operational on 01.06.2017 and its meter sealing report was issued on 02.06.2017. Attention has been drawn to the meter sealing report. This is dated 02.06.2017 reflecting that the petitioner institute has a 25KW and a III Phase connection. This meter sealing report is in the name of the petitioner institute. Qua the second part of this NC attention has been drawn to the photographs at page 72. Submission being that the institute runs in a separate area which is completely cordoned off from the Ganesh College Education and this photograph had been uploaded and was in the knowhow of respondent No. 2.

Per contra learned counsel for respondent points out that the document which was uploaded i.e., meter sealing report (02.06.2017) did not match the document which was handed over to the Assessing Officer of respondent No. 2 at the time of inspection. There is a variation between the two. Aforenoted

two documents have been placed on record.

Petitioner does not dispute the aforementioned documents; however, his submission is that there is no discrepancy qua the two documents.

A perusal of this meter sealing report (02.06.2017) shows that the meter sealing report which was shown to the Assessing Officer of respondent No. 2 (at the time of inspection) does have a variation. It is not the same document. There are 8 columns in the meter sealing report which had been uploaded but in the document which had been shown at the time of inspection had only 7 columns. The details i.e., address of the institute was also discrepant. There was an overwriting in one of the documents and the authenticity of this meter sealing report was thus rightly in doubt.

The contention of the petitioner that the meter sealing report shown at the time of the inspection qua the meter reading report which was uploaded had a discrepancy for the reason that earlier the petitioner institute had a common meter connection with the Ganesh College and Education (also belonging to the same management). This was separated in the year 2016; this submission is negated by the fact that a fresh physical inspection of the institute had been carried on 08.7.2017 on which date the meter sealing report submitted (at the time of physical inspection) was different from the meter reading report uploaded by the petitioner.

There being admitted discrepancies between the aforementioned two documents this objection has a valid force.

Qua the second objection that the fire tender availability not having verified, the contention of the petitioner is that the uploaded video (which was permissible only for about 15-20 seconds) did not verify the fire tender availability; for the reason that the petitioner institute had to furnish his responses all to 112 NCs within a short span of three days that apart the rejection on the ground that the fire tender availability was not available is negated by the fact that a Memorandum of Understanding (MOU) had been entered into between the petitioner and Karyalaya Nagar Palika, Khetri Nagar, Jhunjhunu which would verify the fact that the petitioner institute had a valid understanding with the aforementioned quality entity to produce the fire availability tender as and when required. This document has been placed on record by the petitioner. This is a purported MOU between the petitioner and Karyalaya Nagar Palika, Khetri Nagar, Jhunjhunu, it is dated 05.07.2017. This document was admittedly not uploaded by the petitioner. What had been uploaded was an undecipherable video which even as per the petitioner did contain the text of the MOU; the petitioner frankly admits that this video was undecipherable. Submission again being that this was for the reason that a 15-20 seconds video had to be uploaded and it was not possible to do so within this short span.

This court is not in agreement with the submission of the petitioner. The objection/NC raised on this count appears at S.No. 108. The objection raised by respondent No. 2 was that a short video on the working condition of fire tender with the proper MOU be furnished. Neither the working condition of the fire tender and nor the MOU could be furnished by the petitioner. What had been furnished by the petitioner was a video which did not contain either of these two conditions; nor was the working condition of the fire tender decipherable in the said video and nor the MOU could be read; a blank paper uploaded by the petitioner and the submission of the petitioner that was in fact the same MOU is a submission which cannot be accepted by this court. A quality control of such institutes is as much imperative as their desire to provide skilled training to applicable applicants.

On both the aforementioned grounds the rejection order suffers from no infirmity. This court need not delve into or examine the other objections in view of the aforementioned findings returned by this court.

Petition dismissed.

INDERMEET KAUR, J

SEPTEMBER 11, 2017 / SU