

\$~4-9 & 20-26

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

+ **LPA 515/2017, CM APPL.27230, 37235-37236/2017**

LATE RAMROOP CHAUDHARY PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF TRAINING & ANR..... Respondent

LPA 527/2017, CM APPL. 27952-27953/2017

KEDARNATH JAGANNATH PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF TRAINING & ANR..... Respondent

LPA 529/2017

CPMM PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF TRAINING & ANR.... Respondents

LPA 530/2017

VEDANTA PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF TRAINING & ANR.... Respondents

LPA 536/2017

V.S PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF TRAINING & ANR.... Respondents

LPA 621/2017, CM APPL.34176/2017

BERS PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF TRAINING & ANR ... Respondents

LPA 652/2017

SARASWATI PRIVATE ITI Appellant

versus

DIRECTORATE GENERAL OF EDUCATION & ANR
..... Respondents

LPA 656/2017

SHRI GANESH PRIVATE ITI Appellant
versus
DIRECTORATE GENERAL OF EDUCATION & ANR
..... Respondents

LPA 661/2017, CM APPL.36790/2017

PT BHAGWATI PRASAD PRIVATE ITI Appellant
versus
DIRECTORATE GENERAL OF TRAINING & ANR.... Respondents

LPA 675/2017, CM APPL.37438-37439/2017

MAA MOHANI MANSA DEVI PRIVATE ITI Appellant
versus
DGT & ANR Respondents

LPA 676/2017, CM APPL.37466-37467/2017

SHAHEED BHAGAT SINGH PRIVATE ITI Appellant
versus
DGT & ANR Respondents

LPA 679/2017, CM APPL.37517-37518/2017

SHARDA PRIVATE ITI Appellant
versus
DGT & ANR Respondents

LPA 680/2017, CM APPL.37519-37520/2017

AHUJA PRIVATE ITI Appellant
versus
DGT & ANR Respondents

Appearance: Mr. Sanjay Sahrawat, Advocate for petitioners in Item Nos.4-9 and 20-22.

Mr. Murari Kumar, Advocate for petitioners in Item Nos.23-26.

Mr. Deepak Kunwar with Mr. S. Vijay Kanth, Advocates for applicant in CM APPL.27230/2017 in LPA 515/2017.

Mr. Farman Ali and Mr. Nitish Gupta, proxy for Mr. Ravi Prakash, Advocate in Item Nos.20-26.

Ms. Meera Bhatia, Advocate for DGT in Item Nos.4-9.
Mr. C.M. Goyal, Advocate for DGT/R-1 in Item Nos.4&8 with Mr. S.D. Lahiri, DDG, Mr. M.C. Kardam, JDT and Mr. V.K. Saxena, DDT, representative on behalf of Directorate General of Training.
Mr. Sagar S. Jaiswal, ADvocate for R-2 in Item Nos.2-9 and 20-26.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

14.11.2017

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Further to the orders of this Court dated 25.08.2017 and 16.10.2017, the Union Ministry of Skill Development and Entrepreneurship through Directorate General of Training indicated its approach on 10.11.2017 with respect to the policy to be adopted for deciding the eligibility of several pending applications that were rejected and which are the subject matter of appeals before this Court (and a number of writ petitions on the file of this Court before the Single Judges). The relevant part of the policy is as follows: -

“2. In compliance to the directions of the Hon’ble High Court, it was decided by the competent authority that 663 eligible pending applications rejected by QCI under different categories, shall be reviewed to bring them to a logical conclusion. It is also decided that DGT in association with respective state government shall verify the institute only for the deficiencies pointed out by QCI as a reason of rejection. The entire exercise shall be completed in two months, so as to consider the applications for affiliation in the next meeting of NCVT sub-committee likely to be held in the second week of January 2018. It is pertinent to mention that the process of holding NCVT sub-committee of affiliation has already started. The first meeting has been convened on 08.11.2017 and 225

cases have been considered for processing as per NCVT norms. Out of these cases, 91 cases were recommended while 114 cases are being processed in collaboration with respective State Govt., 20 cases have been rejected. This reflects DGT's initiative to bring these cases to logical conclusion.

3. Further, DGT has got the permission of the competent authority and accordingly, is going to constitute a Grievances Redressal Cell consisting of (i) Reviewing Authority which shall be constituted with 2 members (One co-opted of Director Level of DGT) headed by DT/Member-Secretary NCVT to settle the grievance within 45 days after receiving representation from the aggrieved institutes and (ii) Appellate Committee comprising of 3 members i.e. DDG (T&E), Legal Advisor under the Chairpersonship of Additional/Joint Secretary which shall settle the grievances within 90 days from date of appeal filed. The office orders to the effect of above, would be notified shortly.

4. Further, proposal for processing of remaining pending applications has already been taken up by the competent authority."

It was suggested to counsel that the DGT may modify the policy to the following extent:

- (1) Shorten the time for deciding the appeals from the proposed 90 days to 60 days. This suggestion was acceptable to the Director General of Training who is represented by Mr. S.D. Lahiri, DDG, Mr. M.C. Kardam, JDT and Mr. V.K. Saxena, DDT who are present in the Court to assist in the proceedings.
- (2) Reviewing authority should device a multi-pronged procedure to deal with the different kinds of

cases/applications which are filed, for example, those cases which do not involve too much time and concern only a few/minor deficiencies may be taken up and a decision expedited and every endeavour should be made to dispose of the request, well before the 45 days' limit.

- (3) List of 663 eligible pending applications which were rejected by the QCI should be published in the website of the DGT within the next ten days.

The appellant s' grievance appears to have been addressed by the above policy formulated by the DGT. It is open to them to approach and avail of the remedies - review and/or appeal as the case may be.

Every endeavour shall be made that all cases of review/appeal as well as the applications for affiliation are decided well before the commencement of academic session, i.e., latest by 30th of June, 2018.

The appeals are disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 14, 2017/vikas/