

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13054 of 2017

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A I H E Professional Institute Private Industrial Training Institute,
Mathiyapur, Jamsaut, Danapur, Patna through its Director Kaushal Kumar,
aged about 46 years, Son of Dr. Harish Chandra Giri, Resident of 21 B,
Patliputra, P.O.+P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Labour Shram Shakti Bhawan Rafi Marg, New Delhi.
2. The Secretary, National Council for Vocational Training (N.C.V.T) Government of India, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi.
3. The Director General Employment & Training, Government of India, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi.
4. Quality Council of India, Institution of Engineers Building, IInd Floor, 2-Bahadur Shah Zafar Marg, New Delhi- 110002, India through its General Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)
Mrs. Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 15-01-2018 Heard learned counsel for the parties.

2. The petitioner is aggrieved by the decision of the Quality Council of India (QCI) communicated to him through *email* dated 05.08.2017 informing that application filed on behalf of the petitioner-Institution for grant of affiliation/recognition for the Session 2018-19 has been rejected.

3. Learned counsel appearing on behalf of the petitioner and learned Standing Counsel, representing the Union of India



has produced before me an order, dated 14.11.2017, passed by a Division Bench of the Delhi High Court where similar rejection by the Quality Council of India (QCI) of application for grant of recognition was under consideration. From the said order, it transpires that the Union Ministry of Skill Development and Entrepreneurship through Directorate General of Training have taken policy decision to review 663 eligible pending applications, which has been rejected by the Quality Council of India. This is said to be an admitted fact that the petitioner's application is also included in the said 663 eligible pending applications covered by the policy decision of the Union of India. The policy decision of the Government of India has been quoted in the said order, which reads thus:-

“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 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 Grievance es 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. DDGOT & 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 of processing of remaining pending applications has already been taken up by the competent authority."

4. The Delhi High Court after having considered the stand of the Union of India disposed of the appeal in following terms:-

"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 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 appellants' 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."

5. Learned counsel for the petitioner submits that this writ application may also be disposed of in terms of the said decision of the Delhi High Court. Learned Standing Counsel for the Union of India does not have any objection to such prayer.



6. This application is, accordingly, disposed of with the same direction issued by the Delhi High Court, as quoted above.

(Chakradhari Sharan Singh, J)

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