

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP No.14952 of 2017(O & M)
Date of Decision:30.07.2018**

Mata Gujri Industrial Training Centre

....petitioner

Versus

Director General, Employment and Training, Ministry of Labour and
Employment and another

.....respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.R.Kartikeya, Advocate
for the petitioner

Mr.C.M.Sharma, Advocate
for respondent No.1

Ms.Rukhsaar Dhindsa, AAG Punjab
for respondent No.2

RAKESH KUMAR JAIN, J. (ORAL):

This petition is preferred by the institution called “Mata Gujri Industrial Training Centre”, in which a direction has been sought against the respondents to register the names of 10 candidates, provided in Annexure P-10, for the academic session 2016-18, who have already been admitted by the petitioner-Institute, on the portal maintained by the respondents and to grant all consequential benefits including issuance of hall tickets for participation in the semester examination.

In brief, the petitioner-Institute was established in the year 2010 and is providing two year diploma in Mechanic, Computer, Hardware and Electrician course. The petitioner-Institute is affiliated to respondent Nos. 1 and 2 and has got a sanction of 21 students in the Electrician course.

It is averred in the petition that a student interested in pursuing a diploma in Electrician course, upon completion of matriculation, can get himself enrolled with respondent No.2 i.e. The Directorate of Technical Education and Industrial Training, Punjab, and an online admission/counselling process would start after issuance of an advertisement in this regard by respondent No.2. Thereafter, the concerned student would opt for a particular Institute and is generated admission slip which the concerned student has to present to the Institute concerned for the purpose of admission. The Institution, thereafter, uploads the details of the students on the web portal regulated by the respondents. In other words, the entire exercise is conducted on a platform which is within the ambit of the respondents for the purpose of its regulation. It is further averred that 21 students had opted for joining the petitioner-Institute for pursuing diploma in Electrician course for the academic session 2016-18. The petitioner initiated the process of uploading the details of the candidates at the web portal of respondent No.1. It is alleged that at the first instance, the petitioner successfully uploaded the details of 11 students while the particulars of the other 10 students could not be uploaded due to a technical error. According to the petitioner, the names of 10 students were repeated. When the petitioner-Institute came to know about this error, it represented to respondent No. 2 for rectification on 20.12.2016, followed by representation dated 16.01.2017. The petitioner, ultimately came to know on 28.06.2017 about the error of uploading the names of only 11 students instead of 21 students and made a representation on 05.07.2017, which was not decided and in the meantime semester examination were scheduled for 18.07.2017. As a consequence thereof, this petition was filed in which by an

interim order dated 17.07.2017, the students of the petitioner-Institute were allowed to take examination provisionally. The said order dated 17.07.2017 is reproduced as under :-

The Assistant Solicitor General seeks a short adjournment to file reply. Counsel for the petitioners states that they would have no objection to this course of action but the fact is that the examination is going to start tomorrow. It is the contention of the learned Assistant Solicitor General that the respondents have no animus against the students but what has transpired in the past is that fake students have taken admission in connivance with the official of the State and at this stage, he is not in a position to satisfy whether the students in the present case are genuine or fake. Be that as it may.

In my opinion, interest of justice would be met if the students involved in these cases are permitted to take the exam which are stated to be started tomorrow provisionally with the explicit stipulation that mere attempt at the examination would not create any equity in their favour.

Adjourned to 16.8.2017.

A copy of this order be handed over to the learned Assistant Solicitor General under the signature of the Bench Secretary so that the necessary logistics can be worked out to enable the students to take the examination.

A photocopy of this order be placed on the file of another connected case.

The respondents have filed their respective replies. The petitioner-Institute has submitted that 10 students whose names were not uploaded on the web portal of the respondent No.1 was because of the reason that there is a delay on the part of the petitioner. It is submitted by

learned counsel for the petitioner that the information regarding the error was brought to their notice on 28.06.2017 and immediately thereafter, the proceedings were initiated because semester examination were to be held in July, 2017. It is further submitted that now the same position is there because the semester examination would start from 01.08.2018. Learned counsel for the petitioner has submitted that until and unless the names of all those 10 left out students are allowed to be uploaded on the web portal of respondent No.1 which is being regulated by it, those students would not be in a position to take the examination because the hall ticket would not be generated.

I have heard the learned counsel for the parties and perused the record with their able assistance from which I have found that it is only an error of omission on the part of the petitioner in not uploading the names of the students on the web portal of respondent No.1 otherwise the petitioner has appended Annexure P-1 (colly) i.e. admission slip of all those 10 students which shows that they had got the admission before the cut off date. It is not the case that the petitioner had admitted the students after the cut off date and are now seeking the uploading of the web portal otherwise there would not have been 21 names in the initial list which was uploaded and is attached as Annexure P-2. Since, the error is apparent on the face of the record because the names of the same students are appearing twice on the web portal which were uploaded earlier and the names of those 10 students who were left out were admitted before the cut off date about which there is no dispute has been raised, I am of the considered opinion that the present petition deserves to succeed for the purpose of directions as prayed for. Consequently, the writ petition is hereby allowed and

respondents are directed to register the names of 10 students who were left out in the academic session 2016-2018 by allowing the petitioner to submit their details manually. In case, the details are submitted by tomorrow, respondent No.1 shall start the proceedings for the purpose of generating the hall ticket so that the petitioner may take their forthcoming semester examination.

A copy of the order be given *dasti* to learned counsel for the parties.

30.07.2018
neenu/manpreet

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No