

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

CWP No.17510 of 2017 (O&M)

Date of Decision:16.07.2018

Rajender Kumar and others

. Petitioners

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Ms.Amrita Nagpal, Advocate,
for the petitioners.

Mr.Saurabh Mohunta, DAG, Haryana.

Mr.R.S. Bhatia, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J.

The petitioners, residents of Village Neemka, Tehsil and District Faridabad, have prayed for the issuance of a writ in the nature of certiorari for quashing the Memorandum of Understanding [MOU] entered into between respondents No.1 & 3 on 22.11.2016 or in the alternative for returning the land in question to the Gram Panchayat, Neemka Tehsil and District Faridabad (Respondent No.4).

In brief, respondent No.4 is the owner of land measuring 143 kanal 8 marla (17 acre 7 kanal 8 marla) situated in the revenue estate of Village Neemka, Tehsil and District Faridabad. It leased out the said land to the Department of Technical Education, Haryana (respondent No.1) on 19.9.2012 at the nominal rate of ₹1/- per acre per annum for a period of 33 years starting from 19.9.2012 to 18.9.2045 for the public purpose, namely,

establishment of New Government Polytechnic College at Neemka. It is averred in the petition that respondent No.2 has though completed the building of Polytechnic College in the middle of 2016 but the courses were not started even in the session 2017-18. They rather came to know that respondent No.1 i.e. the Department of Technical Education, Haryana had handed over the entire building of the Government Polytechnic College, Neemka to respondent No.3 by way of MOU dated 22.11.2016. It is averred that respondent No.3 is a Public Sector Undertaking under the Ministry of Micro, Small and Medium Enterprises, Government of India, engaged in promoting, aiding and fostering the growth of Micro, Small and Medium Enterprises [for short 'the MSME']. Thus, the petitioners have averred that respondent No.1 has not put the land to use for which it was leased out by respondent No.4 almost free of cost and in view of the breach of the condition of the lease deed, the land in question deserves to be reverted back to respondent No.4 so that it may be put to use for the benefit of the residents of the Village Neemka, Tehsil and District Faridabad.

Separate replies have been filed by respondents No.1 & 2, 3 and 4.

In the reply filed by respondent No.4, it is averred that it has already taken necessary steps for getting the lease deed in question cancelled and in this regard has sent a written communication to the concerned officials and held meetings with the Deputy Commissioner.

In the reply filed by respondent No.3, it is averred that it is a Public Sector Enterprise under the Ministry of Micro, Small and Medium Enterprises, Government of India, which is engaged in promoting, aiding

and fostering the growth of Micro, Small and Medium Enterprises and also engaged in imparting technical trainings from its technical service centres. The technical service centres offers testing facilities to the industry through their NABL accredited laboratories placed in the centres. The MOU was entered into between the Technical Education Department, Government of Haryana i.e. respondent No.2 and National Small Industries Corporation [NSIC] for setting up facilities to impart training on industry driven demand oriented technical trainings to the beneficiaries besides offering training in Diploma courses in the premises. It is also averred that after the MOU was entered, respondent No.3 has established training and service centre in the premises where the polytechnic diploma courses as well as other trainings shall be provided to the students of the area in conventional to H-Tech Skill programs. The diploma and training is specifically designed with an aim to facilitate employment to the students belonging to the local area after completion of the training. It is also averred that respondent No.3 has agreed to take up polytechnic diploma courses to provide technical training to the students and a total number of 502 trainees, on pilot basis, have already been trained till 31.3.2018 in different training courses e.g. Computer Hardware, PLC, CNC, Tally with GST, Electrical and Fashion Design etc. introduced in the centre since commencement of activities from August, 2017 and a number of 150 students were facilitated for employment in different industries after successful completion of their training program. It is further averred that respondent No.3 has filed application to the All India Council for Technical Education [for short 'AICTE'] on 15.2.2018 for three diploma courses i.e. Mechanical, Electrical and Civil Engineering

and vide their email dated 1.5.2018, they conveyed in principle approval subject to compliance of formalities. It is further averred that respondent No.3 has already invested crores of rupees in the project.

In the reply filed by respondents No.1 & 2, it is averred that the construction of building of the said Government Polytechnic through the Public Works (Buildings & Roads), Department of Haryana was completed on 30.6.2016. It was also submitted that there was a declining trends in admission in polytechnics of the State during academic session 2016-17 and about 30% seats were found vacant in Government Polytechnics and 70% seats in private polytechnics of the State. In the meantime, a proposal for setting up of MSME Technology Centre at Faridabad was sent to the Special Secretary & Development Commissioner, Ministry of Micro, Small & Medium Enterprises (MSME), Govt. of India vide DO letter No.PS/PSI/2015/434 dated 7.7.2015 from the Principal Secretary to Government Haryana, Industries & Commerce and Electronics & Information Technology Departments followed by Memo No.303/Dev. Dated 28.3.2016. The proposal for opening of Technology Centre at Faridabad was considered on 12.4.2016 by the Secretary, MSME, Government of India. The Department realized that there is a need to provide skill based training to the youth of the State for their better employability in industry and public sector. The department took the initiative and approached the Ministry of MSME, Government of India to set up Technology Centre at Faridabad for providing state-of-the-art skill training to the youth of Haryana. National Small Industries Corporation (NSIC) under the MSME, Government of India agreed to set up Technology Centre in the newly constructed building of Government

Polytechnic Neemka, Faridabad in collaboration with the Government of Haryana (Technical Education Department, Haryana). The machinery, staff and other requisite facilities and all moveable assets for the technology centre were to be arranged by NSIC to make the centre functional. In view thereof, the MOU was entered into between the Technical Education Department, Haryana and the National Small Industries Corporation Ltd. on 22.11.2016. It is also averred that the said centre would run 3 polytechnic diploma courses in the disciplines of Civil, Mechanical and Electrical Engineering with the intake of 60 students in each discipline and would also provide opportunity for the residents of Gram Panchayat, Neemka. The NSIC would include one nominee of the State Government (Technical Education department) in the Managing Committee/Board of Governors (BOG) of the Technology Centre at Faridabad and would reserve 2 seats per course for the wards of Gram Panchayat, Neemka for admission to various skill and diploma courses as per the policy of the Government of Haryana dated 31.10.2014 as the Gram Panchayat, Neemka had given land on nominal terms.

During the course of hearing, learned counsel appearing for the State of Haryana, on instructions from Rajesh Aggarwal, Joint Director, Technical Education Haryana, Panchkula, present in Court, made a statement that respondent No.1 would make all efforts to introduce more disciplines for technical education in the coming years so that the facility accredited by the Government of India in collaboration with the Department of Technical Education, Haryana could be put to use for the polytechnic courses besides using it by the NSIC as the purpose is loud

and clear to train the youth under the over all programme of 'Skill India' for the purpose of generating employment.

The Court, after perusing the available record and hearing learned counsel for the parties, is satisfied that the land in question, given by respondent No.4 to respondent No.1, at a nominal rate of ₹1/- per acre per annum, has been put to use for the purpose of technical education as three disciplines of Civil, Mechanical and Electrical Engineering with the intake of 60 students each are already there and the Additional Director, Technical Education, Haryana has assured the Court that earnest efforts would be made by the department to introduce more technical courses in future by taking approval from the AICTE so that the doubt and suspicion in the mind of the residents of the village may not persist.

Thus, in view thereof, I do not find any reason to interfere in this petition but before parting for the purpose of keeping an eye on the assurance given to the Court by the Department of the Technical Education, Haryana, respondent No.1 is directed to submit a status report to the Court within a period of one year from the date of receipt of certified copy of this order about the efforts having been made by it for the purpose of introducing more disciplines of technical education at the Government Polytechnic Centre at Neemka, Faridabad.

Disposed of.

(RAKESH KUMAR JAIN)
JUDGE

16.07.2018
Vivek

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*