

#64

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

**Judgment delivered on: 16.07.2018**

**W.P.(C) 5584/2018**

**JANG BAHADUR PRIVATE ITI**

..... Petitioner

versus

**DIRECTORATE GENERAL OF TRAINING (DGT) ..... Respondent**

**Advocates who appeared in this case:**

For the Petitioner : Mr. Murari Kumar, Advocate

For the Respondent : Mr. Ripu Daman Bhardwaj, CGSC

**CORAM:**

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

**J U D G M E N T**

**SIDDHARTH MRIDUL, J (ORAL)**

1. The present petition under Article 226 of the Constitution of India, instituted on behalf of the petitioner, belatedly assails a decision taken by the Directorate General of Training (DGT), Ministry of Skill Development and Entrepreneurship, Government of India, and essentially seeks a mandatory injunction, directing the latter to grant affiliation to the former for

the academic session 2018-19.

2. The substratum of the present relief is predicated on an order passed by a Division Bench of this Court on 14.11.2017 in LPA No.515/2017 and other connected matters, whereby the official respondent herein was directed to review 663 eligible pending applications, rejected by them, in accordance with law, before the commencement of the academic session i.e. latest by 30.06.2018.

3. It is an admitted position that the impugned decision was rendered by the Quality Commission of India on 19.07.2017, prior to the directions issued by the Division Bench of this Court on 14.11.2017, which is extracted hereinbelow:-

“7.09.2017

ITI Application Alert for Application No.A16001092

Dear Applicant,

This is in connection with your application submitted on QCI online portal for opening of new ITI/addition of trades and or Units in existing ITI/re-affiliation during the session 2015-16 & 2016-17.

You are aware that for grant of NABET-QCI accreditation, you were mandatorily required to fulfil the norms/guidelines as stipulated by NCVT/DGT/NABET.

After submission of ‘acceptance’ for site visit on the portal, the site assessment was undertaken to your ITI on the scheduled date. During the site assessment the QCI assessor observed certain NCs. As per the stipulated procedure already communicated to you vide QCI’s earlier mails in the matter, you were required to reply to the site visit NCs within 3 days, for closure by assessor, failing which, your ITI application shall not be considered for further processing and

the same shall stand rejected.

However, it has been observed that the response submitted by you in respect of your NCs in the portal within the stipulated time, is not in conformance to NCVT/DGT norms. Accordingly, the assessor has not closed your site assessment NCs.

In view of above, your application stands rejected and no further action shall be taken by QCI on the said application.

In case of any queries, please email us at [itihelpdesk@qcin.orgor](mailto:itihelpdesk@qcin.orgor) call at our Toll Free Number 1800-3000-5348.

Best Regards,  
QCI.”

4. It is an admitted position that, the petitioner in LPA 515/2017 and other connected matters, was not a party before the Division Bench, in the proceedings in which the said order dated 14.11.2017 was rendered. In fact, the petitioner assailed the order dated 19.07.2017 by way of Writ Petition (Civil) No.10260/2017, titled as ‘**Janq Bahadur Private ITI vs. Directorate General of Training & Anr.**’, which came to be disposed of by a learned Single Judge of this Court on 20.11.2017, whereby this Court, in terms of the directions issued by the Division Bench directed that if the name of the petitioner was in the list of the said 663 pending applications, they would be considered, in accordance with law. However, since as aforementioned, the petitioner’s name was not in the said list of 663 institutions, their application

for review/reconsideration was not taken up and the impugned order holds the field.

5. The present petition, which seeks to impugn the order dated 19.07.2017, is, therefore, an abuse of process of Court. Furthermore, having slept on their rights, if any, for almost a year, the petitioner now seeks a peremptory direction to the respondent to process his application afresh, expeditiously, and to permit him to conduct classes for the academic session 2018-19, admissions for which have already commenced. The same is manifestly impermissible.

6. Before parting, it is incumbent upon this Court to point out that the scope of judicial review in relation to expert bodies dealing with the educational matters is within a narrow compass. The Court can interfere with the legality of the opinion rendered by such expert bodies, but cannot substitute its opinion for that of the expert bodies in relation to essential pre-qualifications requisite under the law, unless and until the decision of an expert body is manifest with wednesbury unreasonableness. In other words, the Court does not sit in appeal over the decision of the expert body, on requirements pertaining to eligibility of educational institutions, for affiliation/recognition, unless they have acted contrary to law or their

decision is characterized by perversity.

7. In this view of the matter, the present petition being devoid of any merit is accordingly dismissed.

**SIDDHARTH MRIDUL**  
**(JUDGE)**

**JULY 16, 2018**  
*dn*

