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

Date of Decision:- 28.05.2018.

+ W.P.(C) 5839/2018 & C.M. No.22692/2018
VINAYAK PRIVATE ITI Petitioner

Through Mr.Sanjay Sherawat, Adv.

versus

DIRECTORATE GENERAL OF TRAINING Respondent

Through Mr.Ashim Sood, CGSC with
Ms.Payal Chandra, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. Vide the present petition, the Petitioner/Institute has impugned the Respondent's order dated 14.05.2018, whereby it has been de-affiliated from the affiliation granted to it by the National Council for Vocational Training (hereinafter referred to as the "NCVT") on 15.12.2016.

2. The facts as emerge from the record are that the Petitioner /Institute had submitted an application with the Respondent/Directorate General of Training (hereinafter referred to as the "DGT") in April, 2016 for seeking affiliation of 3 units in "Electrician Trade", 3 units in "Fitter Trade" and 3 units in "COPA Trade". The DGT, after duly considering the Petitioner's application through it's NCVT sub-committee, granted affiliation to the

Petitioner on 15.12.2016 for the aforesaid trades for the academic session commencing on August, 2017.

3. It is the Petitioner's case that after a few months of getting the affiliation, few family members of the trust sponsoring the Petitioner had expired in quick succession and the management of the trust consciously decided not to start the affiliated courses in the Academic Session commencing on August, 2017. Subsequently, the DGT, vide an email dated 11.08.2017, informed the Petitioner that an inspection will be carried out of all the Industrial Training Institutes (hereinafter referred to as the "ITI"), which were granted recognition on 15.12.2016 and in situations wherein the ITIs do not get the safety inspections conducted, they shall not be allowed to admit trainees for the 2017-18 Academic Session.

4. It is further contended that because of the aforesaid circumstances, the Petitioner/Institute decided to not admit trainees for the Academic Session of 2017-18 and it was shut since the day the affiliation was granted. In accordance with the email dated 11.08.2017, the State Directorate had conducted the safety inspection of the Petitioner/Institute on 21.08.2017. It is averred in the petition that since the Petitioner/Institute was closed since December, 2016, it was not conscious of the fact that any inspection was conducted. Further, it is also contended that the Petitioner/Institute did not receive any intimation about the inspection. Based on the inspection report, the DGT, as per the communication dated 14.05.2018, withdrew the NCVT's affiliation granted to the Petitioner w.e.f.

August, 2018. Aggrieved by the action of the Respondent in taking away its affiliation, the Petitioner has preferred the present petition.

5. Mr. Sanjay Sherawat, learned counsel for the Petitioner, submits that the impugned communication cancelling the affiliation of the Petitioner was not only in violation of the principles of natural justice, but also overlooks the fact that the scheme of affiliation prescribed by the DGT does not mandate that the Petitioner is required to start the course immediately from the academic session from which the affiliation has been granted to it. He further submits that the Respondent had itself informed not only the Petitioner but all the other affiliated ITIs in its meeting held on 15.12.2016 about the inspection. It was also further submitted that in case any of the ITI did not get the safety inspections conducted in time, they will not be permitted to admit trainees from the Academic Year 2017-18. In support of his aforesaid submission, Mr. Sherawat contends that the only condition imposed by the Respondent was that no admissions should be carried out by any ITI till the safety inspections were carried out by the respective State Directorates. He also contends that this could, however, not imply that the affiliation of an ITI could be cancelled only because the Petitioner/Institute was found closed. Mr. Sherawat thus submits that, merely because the Petitioner/Institute was found closed, the Respondent could not straightaway cancel its affiliation and that too without following the prescribed procedure.

6. On the other hand, Mr Ashim Sood, who appears on advance notice for the Respondents, contends that once affiliation is granted

to any institute, the Respondent is well within its rights to inspect the institute and check whether it meets the requisite infrastructure requirements or not. He submits that, in view of the admitted position that the Petitioner/Institute had not even started functioning, when the inspection of the Petitioner's premises was carried out by the State Directorate, the Respondent was fully justified in passing the impugned order in de-affiliating the Petitioner /Institute.

7. Having heard the learned counsels for the parties, I find that the fact that the Petitioner /Institute was found to be closed even after 7 months of the grant of affiliation, was clearly indicative of the fact that the Petitioner/Institute did not have the requisite infrastructure as mandated by the NCVT. In my considered view, once an institute is not found to be having the requisite infrastructure at the time of inspection, no infirmity can be found in the action of the Respondent in cancelling its affiliation. I find merit in the submission of learned counsel for the Respondent that any ITI not found to be functional, cannot claim that its affiliation should not be cancelled.

8. There is yet another reason as to why I find no infirmity in the impugned order. I find that, even though the affiliation granted to any ITI may be valid for a period of 5 years, the institute is expected to maintain the infrastructure from the date of affiliation itself and if at anytime it is found that the institute is not meeting the required criteria, the Respondent is not only justified, but in fact, is under an obligation to de-affiliate the institute. Any other interpretation would be *dehors* the scheme of affiliation and cannot be permitted. Therefore, in my considered opinion, the action of the Respondent in

inspecting the Petitioner/Institute, which inspection was as per the guidelines, cannot be faulted. In any event, a withdrawal of its affiliation does not prevent the Petitioner from applying for a fresh affiliation, which may be granted to it in case it meets the prescribed criteria for the same.

9. For the aforementioned reasons, I find no merit in the petition and, therefore, the same alongwith the pending application, is dismissed with no order as to costs.

MAY 28, 2018/aa

(REKHA PALLI)
JUDGE



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