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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 05.09.2018

W.P.(C) 6968/2018

R.K. (PVT.) ITI, DIST.-FARRUKHABAD, U.P Petitioner

versus

UNION OF INDIA AND ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Devendra Kumar and Ms. Priti, Advocates

For the Respondents : Mr. Sanjeev Narula, CGSC with Mr. Shravan Kumar Shukla, Advocate

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. In the present petition under Article 226 of the Constitution of India, the pre-eminent ground on which the impugned order dated 31.05.2018, passed by the Appellate Committee denying the petitioner accreditation/affiliation for the academic session 2018-19, is assailed is that, contrary to the assertion made on behalf of the Appellate Committee of the Directorate General of Training (DGT), to the effect that, the petitioner institution was granted a hearing before passing the same, it is an admitted position that, the mail dated 21.05.2018, directing

them to appear before the said Appellate Committee was addressed to an incorrect mail ID.

2. In other words, it is urged that, instead of sending a notice to appear before the Appellate Committee to the following e-mail address- mradulupadhyai@gmail.com, the same was erroneously addressed to mrodulupadhyai999@gmail.com, as a result of which the petitioner remained unrepresented at the hearing.
3. To briefly encapsulate, instead of affording the petitioner institution an opportunity of being heard before the Appellate Committee, along with documents in support of their claim, the former was admittedly denied the hearing, on account of the error committed by the official respondent, whilst dispatching the subject notice, to so appear before the Appellate Committee.
4. As a consequence thereof, the civil right of the petitioner institution, to be heard by the Appellate Committee, prior to the determination of their application, for grant of the accreditation/affiliation for 2(1+1+0) units in Trade “COPA”, for the academic session 2018-19, was admittedly violated.
5. In this behalf, it is trite to state that, the civil rights of the petitioner institution cannot be adversely and prejudicially affected, without granting them an opportunity of being heard, in accordance with law and in consonance with the principles of natural justice.
6. In this view of the matter, I have no hesitation in setting aside and quashing the impugned order dated 31.05.2018, passed by the respondent

No.1 and directing them to decide the petitioner institution's application afresh, in accordance with law, after affording the latter an opportunity of being heard, without further delay and preferably within a period of ten days from today.

7. With the above direction, the writ petition is allowed and disposed of accordingly.
8. A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under signature of the Court Master.

SIDDHARTH MRIDUL
(JUDGE)

SEPTEMBER 05, 2018

as