

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.21428 of 2019
and
W.M.P.No.20626 of 2019

Sree Perumal Industrial Training Institute,
Rep.by its Correspondent,
N.Navaneethankrishnan. .. Petitioner

/versus/

- 1.The Regional Joint Director of
Employment & Training,
Chennai Region,
Chennai-32.
- 2.The Joint Director of Training,
Directorate of Employment Training,
Guindy, Chennai-32. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records to quash the impugned memo dated 12.07.2019 and to direct the respondents to display the name of the petitioner indicating all the affiliated trades of NCVT Course and to allot candidates for training, consequently to reimburse the annual training cost payable to the students allotted in terms of G.O.Ms.115 Labour and Employment Department dated 19.07.2012.

For petitioner : Mr.Vijayakumar.R

For Respondents : Mr.P.Rajalakshmi

Additional Government Pleader

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O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. According to the petitioner Sree Perumal Industrial Training Institute is a part of K.Perumal Reddiyar Educational Trust running Vocational Training in Electrician (2+ 2 units)

and Mechanical Motor Vehicle (1 + 1 Unit) since 1988. As per G.O.Ms.115 Labour and Employment Department dated 19.07.2012, Government issued instructions to include the eligible Private Industrial Training Institutes in the list of Government ITI prospectus and 50% of the seats to be allotted to those institutes under the Single Window/counselling System conducted by the State. This procedure was followed during the academic year 2016 and 2017 by including the petitioner's institute in the list of eligible Private ITI but it was informed that the inclusion these self finance private ITI is only for information and not for getting definite admission. The institution has the required infrastructure including necessary training equipments to run the programmes in accordance with the Government of India guidelines. The institution participated in the District counselling for admission during the academic year 2013, 2014, 2015, 2016, 2017 and 2018. While so, as per G.O.Ms.No,82 Labour and Employment Department dated 17.06.2019, the Government has amended point No.2 of annexure-1 of G.O.Ms.No.115, Labour and Employment Department dated 19.07.2012 under the heading " A technical evaluation study will be conducted for the institutes applying under the scheme on the following points:", 12 points were enumerated for technical evaluation.

3. The contention of the petitioner is that the petitioner institute satisfies all the 12 technical points and in spite of that the Regional Joint Director has issued memorandum dated 12.07.2019 excluding the petitioner institute from participating in the on going counselling on the ground that the inspection carried out by the Deputy Director of the 1st respondent has reported non compliance of the 12 points mentioned in the G.O.Ms.No.82 for the technical evaluation.

4. According to the petitioner, the order of the 1st respondent is against their own Government Order and without properly considered the compliance of the technical requirements. The petitioner institute has been excluded from participating in the on going counselling without any valid reason.

5. The respondent has filed counter wherein it is stated that for implementation of the District counselling the private ITI should satisfy the following norms.

"Eligibility for the Private ITIs to apply under the scheme.

1.The Training Institute should have affiliation from NCVT.

2.The Training Institute must be in existence for a minimum period of three years.

3.The Training Institute should have the required number of qualified faculty members on its

pay roll as per NCVT Norms.

4.The Training Institute must have all machineries and equipments as per NCVT Norms.

5.The Institute should continue to maintain class room and lab facilities properly.

A technical evaluation study will be conducted for the Institutes applying under the scheme on the following points:

- 1.Overall Training Capacity
- 2.Location of Institutes
- 3.Building Facility
- 4.Equipments and Machineries
- 5.Financial Standing
- 6.Number of Courses
- 7.Method of Teaching
- 8.Field Visit and Practical Training
- 9.Placement Assistance
- 10.Quality of Training
- 11.Pass Percentage of Candidates
- 12.Overall Percentage"

6. Based on the evaluation results, the eligible institutes will be selected under the scheme. As far as the petitioner's institute is concerned it expressed his willingness to participate in the District counselling vide letter dated 16.04.2019. Therefore, technical inspection was conducted on 20.05.2019 and technical inspection report along with the recommendation of the 1st respondent, were forwarded to the 2nd respondent on 21.05.2019.

7. After scrutinizing the reports and the options received by the private ITIs, 235 private industrial training institutes were found eligible for District counselling and remaining 42 institutes including the petitioner's institutes were found shortage of tools, defective condition of equipments and machineries. Hence, the petitioner's institute was informed that they are not eligible to participate in the District counselling. The petitioner's oral representation to reconsider the decision of not permitting the petitioner institute to participate in the District counselling 2019 was considered by the 2nd respondent and another inspection was carried on the petitioner's institute on 02.07.2019. The 2nd inspection report also reiterated the defects noted in the first inspection report.

8. Therefore, the decision not to include the petitioner's institute in the District counselling was reaffirmed and intimated to the petitioner along with the inspection report dated 15.07.2019. Without fulfilling the norms

prescribed, the petitioner institute cannot seek for inclusion in the District counselling for allotment of candidates. On the representation of the petitioner, after the first inspection, the petitioner's institute was inspected on 07.07.2018 as well as on 14.08.2018. Based on the outcome of the inspection report, the petitioner institutes' was included for one unit of Electrician trade with a condition that all the defects were to be sorted out within three months and the same has to be intimated to the 2nd respondent. However, till date the petitioner's institute has not submitted their rectification report.

9. The petitioner's institute know that the decision of the Directorate of Employment and Training is final regarding listing out eligible private Industrial Training Institute for District Counselling to be held during 2019 and they will not claim any changes in future. Having given opportunity twice. The petitioner without rectifying the defects wants his institute to be included in the District Counselling.

10. Pending writ petition, the petitioner after taking note of the defects found in the inspection report has filed a reply how the defects pointed out, has already been rectified and the inspection committee fails to take note of it.

11. However the learned Additional Government Pleader would submit that the so called reply to the technical inspection report is vague and unspecific without providing any specific details about the compliance of defects. The additional affidavit filed by the petitioner would stated that almost all the deficiencies were rectified and there is no deficiency at all in the institute, various registers and equipments produced during the inspection were not properly inspected and though machineries were available, the committee has recorded shortage of machineries. Equipments available were shown as not in working condition, despite they are good and working condition.

12. It is also stated in the additional affidavit that the petitioner institute and similarly placed private ITI are following National Council for Vocational Training (NCVT) syllabus equivalent to National Skill Qualification Frame Work (NSQF) Level 5 syllabus, while equivalent syllabus for the certificate course in ITI's are Level 4.

13. The petitioner's institute claims that all the requirements for being included in the District counselling available but, for extraneous reason the institute not included in the counselling. Hence, prayed for direction to the respondent to include the petitioner's institute in the District counselling (2nd counselling) and allot trainees for the course

run by the petitioner's institute.

14. The case of deficiency in the infrastructure facility has to be rectified by the educational institutes. The basic requirements for technical evaluation is reflected in G.O.Ms.No,82 and extracted in the counter of the respondent. In the reply to the technical inspection report, though the petitioner say that they have complied all the requirements and there is no deficiency at all, the details furnished in the reply in fact lack specification. For example, faculty shortage has been noted during the inspection. In the reply, the petitioner says that they have adequate staff/instructor proportionate to the available strength of the students. The short fall in so far as the instructors for electrical trade, there are only 3 students in junior and 3 students in senior and therefore, there is no short fall of the instructors.

15. The affidavit does not disclose the number of instructors employed by them. For the sanctioned strength of 40 in the electrical unit, the petitioner admits there are only 3 students each in junior and senior batch. In such event the reply to the technical inspection report does not give a clear picture whether the petitioner's institute really complied with requirement standard as prescribed in the G.O. Without the required infrastructure, Court cannot direct the respondent to include the institute for District counselling. Hence, the prayer in the writ petition liable to be rejected.

16. However, any observation in this order shall not stand in the way of the respondent to cause fresh inspection after affording an opportunity to the institute to satisfy the committee the availability of the infrastructure. If the infrastructure is available appropriate orders shall be passed by the respondent within four weeks from today.

17. With the above observations, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

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Sub-Assistant Registrar

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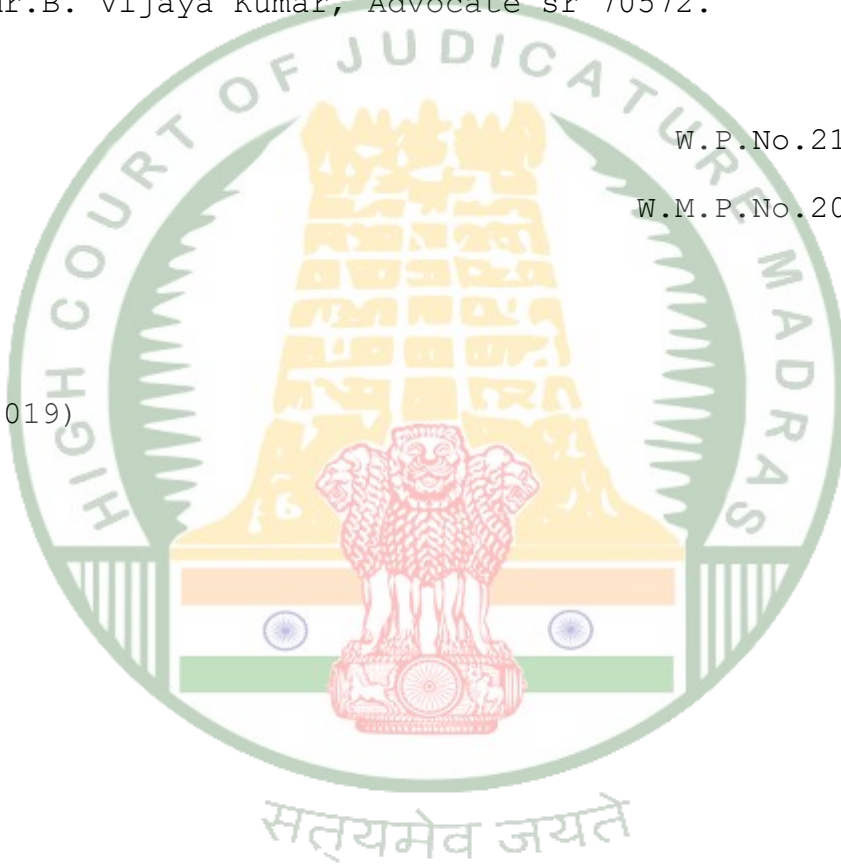
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+1 CC to Mr.B. Vijaya Kumar, Advocate sr 70572.

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VGI (CO)
SP(17/09/2019)



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