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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5215/2020 & CM APPL. 18814/2020
SANKALP PRIVATE ITI ... Petitioner
Through Mr.Sanjay Sharawat, Adv.
versus
DIRECTORATE GENERAL OF TRAINING ... Respondent
Through Mr.Jitesh Vikram Srivastava (SPC)
and Mr.Prajesh V S, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **18.09.2020**

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking a mandamus to direct the respondent to conduct inspection and decide the application of the petitioner seeking affiliation for additional 48 units in “Electrician Trade” for the academic session 2020-21.
2. The case of the petitioner is that the petitioner was granted affiliation for six units of Electrician Trade on 15.12.2016. On 27.02.2020, the respondent invited applications for academic session 2020-21 from new ITIs as well as old ITIs for additional units/trades. The petitioner submitted an application on 27.02.2020 for additional 48 units in Electrician Trade. The last date for submission of the application was initially up to 28.02.2020 which was subsequently extended till 18.04.2020.
3. The case of the petitioner is that it had completed the submission of the application in all three stages before the cut off date of 28.02.2020 and was waiting for the respondent to conduct inspection. Despite repeated inquiries, the petitioner did not get any response. In June 2020, the petitioner

checked the portal and noticed that the status of the application of the petitioner is shown as “Stage III of the application is incomplete”. The petitioner, thereafter, wrote an e-mail to the respondent to which a response was received on 08.06.2020 that the petitioner has not completed Stage III. Hence, the present writ petition.

4. The respondent has filed a counter affidavit where it has been confirmed that the petitioner did not complete all the stages of the application. It is stated that the petitioner had not even attempted to fill the Stage III of the concerned application form. It is also clarified that the application of the petitioner institute has not been rejected and the same can be considered for the next academic session subject to fulfilling the criteria.

5. I have heard arguments of the learned counsel for the parties.

6. Learned counsel for the petitioner has vehemently urged that this was the first time that a new portal was used for submitting the applications, namely, “NIMI portal” and as far as the petitioner is concerned, they had completed all the three stages. It is stated that even if for some reason, there was a lacuna on the part of the petitioner on account of the ignorance of the procedure, it was the duty of the respondent to have informed the petitioner about the lacuna in the application so that the petitioner could have taken effective steps to remedy the defects. No such intimation was sent by the respondent. It is pleaded that the petitioner has invested large amounts up to Rs.60 lakhs for starting new units and that the petitioner should not be left high and dry in this manner without intimation or information.

7. Learned counsel for the respondent has relied upon his counter affidavit to show that the petitioner had failed to complete the Stage III. He states that it is not possible to consider the case of the petitioner for this

academic year in view of the fact that there are 2678 institutes who have applied under the scheme and the processing of these applications is continuing. It is also pointed out that the admission for the present academic session has commenced on 05.08.2020 and will continue up to 30.09.2020.

8. From the counter affidavit, it appears that the petitioner was unable to complete Stage III of the application. There is, however, merit in the contention of the petitioner that this was a new portal i.e. 'NIMI Portal' which was started for the first time to submit applications. Possibly the petitioner on account of ignorance of the mechanism of filling of the form on the said portal or by oversight had made a *bona fide* mistake. The fact is that the petitioner has invested large amounts to start the new units. The petitioner would not knowingly or deliberately omit the third stage of the application.

9. In these special facts and circumstances, let the respondent permit the petitioner to complete Stage III of the form within four days from today. Once the Stage III is completed, the respondent may consider the application of the petitioner as per law. If it is possible, the respondent may consider the said application for the present academic year.

10. This order is passed in the stated facts and circumstances and shall not be treated as a precedent.

11. The petition stands disposed of. Pending applications, if any, also stand disposed of.

JAYANT NATH, J.

SEPTEMBER 18, 2020/st/rb