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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 18th February, 2020.

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W.P.(C) 5146/2017 and C.M. No. 21966/2017 (Interim Orders)

INDIAN OPTOMETRY FEDERATION

..... Petitioner

Through: Mr.Umesh Sharma, Adv.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms.Shiva Lakshmi, CGSC with
Mr.Siddharth Singh, Adv. for UOI.

Mr.Siddharth Aggarwal, Adv. with Ms.Stuti
Gujral, Mr.Siddharth Satija, Mr.Kanishk
Aggarwal, Adv. for R-2.

Ms.Safia Said, Adv. with Ms.Kasika Agrawal,
Adv. for R-3/National Skill Development
Corporation.

Mr.Apoorv Kurup, Adv. with Ms.Nidhi Mittal,
Mr.Siddharth Nigotia, Adv. for R-4/UGC.

Mr.Sunil Mund, Adv. with Mr.S.Patra, Adv. for
Respondent No.5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. This writ petition has been preferred as a public interest litigation with the following prayers:-

*“I. Writ, order or direction in the nature of **MANDAMUS** or any other appropriate writ, order or direction in favour of the petitioner and against the respondent thereby directing the respondents to ensure that no private institution grants, sells or distributes fake Diplomas, Degree, Certificates in eye care under any name except for the recognition by the MCI, UGC or*

any other statutory body regulating health care education in India.

II. Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the petitioner and against the respondents 1,2,3 &4 thereby directing the said respondents to publish and circulate a list of valid institutions imparting training in the fields of eye care education and to ensure that no private institution grants, sells or distributes fake Diplomas, Degree, Certificates in eye care under any name except for the recognition by the MCI, UGC or any other statutory body regulating health care education in India.”

2. Having heard learned counsel for the parties and looking to the counter affidavit filed by the Respondent No.1 and also separate counter affidavit filed by Respondent No. 6, it clearly reflects that vide Office Memorandum dated 5th December, 2019 issued by Ministry of Skill Development and Entrepreneurship, Government of India, the following two qualifications of the Healthcare Sector Skill Council have been deactivated with effect from 9th December, 2019:-

- a) “Refractionist”
- b) “Vision Technician”

3. For ready reference the said Office Memorandum dated 5.12.2019 reads as under:-

“OFFICE MEMORANDUM

Subject: Deactivation of two qualifications viz. (1) "Refractionist" and (2) "Vision Technician" under Healthcare SSC.

The National Skill Development Agency (NSDA) has been mandated to anchor and operationalise the NSQF. Alignment of qualifications to NSQF is approved by the National Skills Qualification Committee (NSQC).

Under the Health Sector, two qualifications of the Healthcare Sector Skill Council by name (1) "Refractionist" and (2) "Vision Technician", were approved in the 6th & 7th meetings of the National Skills Qualification Committee (NSQC) held on 19th May, 2015 and 18th June, 2015 respectively. On examination, it has been decided by the competent authority to deactivate these two qualifications w.e.f 9th December, 2019. The same will be reflected on the National Qualification Register (NQR).

Accordingly, it may be ensured that no fresh admissions are made for these courses and only trainees who have already started training, prior to this, may be allowed to complete the same. The list of candidates undergoing training, along with date of start of their training may be sent to NSDA at email.id: shuvadeep.nsda@gmail.com by 20th Dec., 2019 positively.

You are requested to ensure compliance.

This issues with the approval of the competent authority,

Sd/-
(Sandhya Salwan)
Director, NSDA”

4. In view of the aforesaid directions already given by the respondents for deactivation of the aforesaid two qualifications with effect from 9th December, 2019 which will also be reflected on National Qualification Register (NQR), we see no reason to further monitor this case.
5. However, all care will be taken by the Respondents henceforth that whenever such type of qualifications for Health Care or Eye Care Sectors

are to be initiated, the same will be done in accordance with law, rules and regulations and Government policies floated by the respondents so that no illegal courses of any type should be allowed to be initiated by the Healthcare or Eye Care industries.

6. With these observations, this writ petition, along with the pending application, is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 18, 2020

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