(29)

4881/20

$~9 to 16, 18 to 25, 27 to 29

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

9

\+ W.P.(C) 4386/2020 with CM APPL. 15789/2020

BALAJI PRIVATE ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING ..... Respondent

10

\+ W.P.(C) 4598/2020

BN RAY ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

11

\+ W.P.(C) 4624/2020

JAI MAA PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

12

\+ W.P.(C) 4715/2020

JAI MAA SANTOSHI PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

13

\+ W.P.(C) 4794/2020

AAYANSH PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

14

\+ W.P.(C) 4875/2020

BRIJ PVT ITI & ANR. ..... Petitioners

versus

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By:AMULYA

DIRECTORATE GENERAL OF
TRAINING & ANR. ..... Respondents

15
+ W.P.(C) 4878/2020

MANORAMA PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF
TRAINING & ANR. ..... Respondents

16
+ W.P.(C) 4881/2020

SHAMS PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF
TRAINING & ANR. ..... Respondents

18
+ W.P.(C) 5197/2020

AMIT PVT ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING,
MINISTRY OF SKILL DEVELOPMENT AND
ENTREPRENEURSHIP & ANR. ..... Respondents

19
+ W.P.(C) 5204/2020

INDRASAN PVT ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING
MINISTRY OF SKILL DEVELOPMENT AND
ENTREPRENEURSHIP & ANR. ..... Respondents

20
+ W.P.(C) 5214/2020 with CM APPL. 18812/2020

AWADHESH PRIVATE ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF
TRAINING & ANR. ..... Respondents

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21
+ W.P.(C) 5238/2020

NARAYAN GAYTRI PVT ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP & ANR. ..... Respondents

22
+ W.P.(C) 5269/2020

MUZAFFARPUR PROFESSIONAL PVT ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP & ANR. ..... Respondents

23
+ W.P.(C) 5308/2020

NUTAN PVT ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

24
+ W.P.(C) 5310/2020

RN PRIVATE ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP & ANR. ..... Respondents

25
+ W.P.(C) 5423/2020

RAM DEO SINGH PVT ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING, MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP & ANR. ..... Respondents

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(32)

27
+ W.P.(C) 7152/2020

DPS PRIVATE ITI ..... Petitioner

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

28
+ W.P.(C) 7449/2020 with CM APPL. 24881/2020, CM APPL. 24884/2020

JANKI PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

29
+ W.P.(C) 7451/2020 with CM APPL. 24887/2020, CM APPL. 24888/2020

URMILA HITAISHI PVT ITI & ANR. ..... Petitioners

versus

DIRECTORATE GENERAL OF TRAINING & ANR. ..... Respondents

Present:-

For the petitioner:

Mr. Sanjay Sharawat, Advocate in item nos.9, 20, 27

Mr. Amitesh Kumar, Advocate in item nos.10 to 16, 18, 19, 21 to 24, 28 and 29.

For the respondent:

Mr. Jaideep Khanna, Advocate with Mr. Manish Kumar, Mr. Shivam Singh, Mr. Vidur Dwivedi, Advocate for R-2/State of Bihar in all matters.

Ms. Nidhi Raman, CGSC for R1/DGT in item no.9

Mr. Neeraj Garg, Sr. CGSC with Mr. Sahaj GP, Mr. Vedansh Anand and Rudra, Advocates for DGT in item no.11.

Mr. Sushil Kr. Pandey, Senior Panel Counsel for UOI in item no.12

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Mr. Siddharth Khatana, Advocate for R-1/DGT in tem no.15
Mr. Rahul Sharma, Central Government Counsel (Senior Panel) with Mr. C.K.Bhatt, Advocate for R-1/ DGT in item no.18
Mr. Sanjeev Sabharwal Sr. Panel Counsel for UOI with Mr. Hem Kumar, Advocate for UOI in item nos.16, 21 & 22.
Mr. Sanjeev Uniyal, Advocate with Mr. Dhawal Uniyal, Advocate for UOI in item no.23
Mr. Anil Dabas, Advocate for R-1/DGT in item no.24
Mr. Sandeep Tyagi, Advocate for R-1 in item no.25.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 07.04.2021

The proceedings in the matter have been conducted through hybrid mode [physical and virtual mode].

1. These petitions concern applications of various Industrial Training Institutes ["ITIs"] for affiliation with the Directorate of General Training ["DGT"]. The institutes are located in the State of Bihar. The applications were made for the year 2020-21, but the petitioners approached the Court with a grievance that the Directorate of Training in the State of Bihar ("the State Directorate"), has not processed their applications or conducted inspection of their infrastructure as required by the DGT.

2. By an order dated 01.03.2021, I had recorded as follows:-

> *"4. All these applications for affiliation were made during the years 2019 and 2020, for the academic session 2020-21. There is some controversy between the parties, as to whether the applications were to be made online (on the portal established for this purpose by the DGT) or whether they could be made offline, as done in several of these cases.*

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(34)

Mr.Jaideep Khanna, learned counsel for the State Directorate, has drawn my attention to the "Affiliation Norms for ITIs, 2018" ["2018 Affiliation Norms"] issued by the DGT, in which a portal for accepting such applications has been contemplated. It has further been pointed out that the applications were to be made pursuant to advertisements issued by the State Government. Mr. Khanna states that no advertisement was published by State of Bihar and applications have not been received on the portal, but submitted directly by the petitioners to the DGT. The further contention of Mr. Khanna, is that the State is entitled, prior to conducting an inspection of the infrastructure, to examine the application and documentation submitted by the Institutes and determine whether they are in order from various points of view, enumerated in the affiliation norms.

5. Mr. Sanjay Sharawat, learned counsel appearing on behalf of petitioners in several of these petitions, however, contends that the portal in question was made operative only in December, 2019 and applications were being received by the DGT directly, prior to the operationalisation of the portal. Mr. Sharawat, relying upon the contents of the rejoinder affidavit, also submitted that even after the publication of 2018 Affiliation Norms, referred to by Mr. Khanna, various institutions located in the State of Bihar, have applied to the DGT directly for affiliation. The applications of those institutions were forwarded by the DGT to the State Directorate and have been processed by the State Directorate, without raising any objection as to the manner of submission of the applications.

6. Ms. Nidhi Raman, learned counsel who appears for DGT in the lead matter [W.P.(C) 4386/2020], submits that the applications were received offline, due to the non-functioning of the portal at the relevant time, but have since been uploaded on the portal and also forwarded to the State Governments. She endorses Mr. Khanna's submission that the initial assessment of the application is to be done by the

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State Government and that the stage of inspection would be arrived at only after the initial assessment of the application and the civil infrastructure.

7. Having regard to these aspects, I have put it to the learned counsel for the parties whether the petitioners' applications, which have now admittedly been forwarded to the State Governments, be processed in accordance with law. The controversy regarding the manner of submission of the applications (whether online or offline) is, to my mind, a relatively minor issue, particularly in view of the controversy as to whether the portal was at all operative during the relevant period and the intervention of Covid-19 pandemic, making the procedural requirements somewhat more difficult to comply with.

8. As far as this batch of petitions is concerned, which were all for affiliation for the academic session 2020-21, Mr. Khanna accepts that the applications have now been received by the State of Bihar. I am of the prima facie view that the applications may be processed, keeping in mind all the criteria which is available to the State of Bihar in accordance with law. This will not bypass any of the substantive requirements of the affiliation norms or diminish the role of the State Government or the scope of its assessment in any way. However, it does not appear to me appropriate to regard the manner of submission of the applications as determinative of the petitioners' rights and entitlements, in the facts and circumstances of the present cases.

9. Learned counsel for the petitioners and DGT have accepted this suggestion without prejudice to their rights and contentions. Mr. Khanna seeks an opportunity to take instructions."

3. Pursuant to the aforesaid order, Mr. Jaideep Khanna, learned counsel for the State Directorate has taken instructions and submits that

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the modalities suggested in the said order are acceptable to the State Directorate.

4. In this view of the matter, the petitions are disposed of in terms of paragraphs 7 and 8 of the order dated 01.03.2021.

5. In order to ensure that the applications are considered and decided expeditiously, the following further directions are passed:-

(a) It is submitted by Mr. Khanna that the applications and documents available with the State Directorate are not complete in all respects. The petitioners will coordinate with the State Directorate to ensure that the documentation is complete. The State Directorate may call for any required documents from the petitioners, and conduct the inspection of the petitioners' premises by 10.05.2021.

(b) The State Directorate will furnish an Inspection Report to the DGT by 15.05.2021.

(c) In the event, the DGT finds any deficiencies or discrepancies in the petitioners' case, it may issue a show cause notice to the concerned petitioner by 07.06.2021. The DGT will dispose of the applications after following the established procedure, by 30.06.2021.

6. The petitions are disposed of in the terms aforesaid.

7. Pending applications also stand disposed of.

PRATEEK JALAN, J

APRIL 7, 2021
'j'

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