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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision:- 19.04.2022***

+ W.P.(C) 12220/2021 & CM APPL. 38266/2021 (stay).

DWARKA PRIVATE ITI Petitioner

Through: Mr. Sanjay Sharawat, Mr.Divyank
Rana & Mr.Ashok Kumar, Advs.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through: Mr. Thakur Virender Pratap Singh
Charak, Mr.Shubhra Parashar, Mr.Pushpender
Singh Charak, Mr.Kapil Gaur, Mr. Vaishnav Kirti
Singh, Mr.Shubham Ahuja, Mr.Rampal Singh
Tomar, Advs. for R-1Mr.Shekhar Raj Sharma, DAG, Haryana &
Mr.Paras Dutta, Adv. for R-2**CORAM:****HON'BLE MS. JUSTICE REKHA PALLI****REKHA PALLI, J (ORAL)**

1. The petitioner, which is affiliated with the respondent no. 1, has approached this Court seeking the following reliefs:

“(a) Issue a writ of certiorari and quash the order dated 24.11.2020 passed by the Respondent No.1 by which the Petitioner has been de-affiliated; and

(b) Issue a writ of mandamus and direct the Respondent No.1 to forthwith restore the affiliation of the Petitioner for 2 units each in Electrician; Fitter; Health Sanitary Inspector and Computer Hardware & Network Maintenance Trades from academic session 2021-22 and to communicate the said status to the Respondent No.2; and



(c) Issue a writ of mandamus and direct the Respondents to permit the Petitioner to admit trainees for academic session 2021-22 and to take all necessary and consequential steps in this regard including providing access to their online portals and to reflect the name of the Petitioner in the category of ITI' s entitled to take admissions; and

(d) Pass any other and further order(s) as may be deemed fit.”

2. Learned counsel for the petitioner submits that the impugned order dated 24.11.2020 de-affiliating the petitioner institute is wholly cryptic having been passed without furnishing any reason whatsoever. He however submits that in any event, the respondent no. 1 has mechanically accepted the inspection report submitted by the respondent no. 2 without dealing with the petitioner's plea that on 28.02.2020 when the inspection of the petitioner institute was carried out, the same was a restricted holiday and since the petitioner institute was observing it as a holiday, most of its staff members were not present in the institute. He therefore, submits that the impugned order be set aside on this ground alone.
3. The petition is vehemently opposed by both the respondents. Mr. Virendra Pratap Singh, learned counsel for respondent no. 1, has vehemently urged that in view of the deficiencies noted in the inspection report forwarded by respondent no. 2, the respondent no. 1 was justified in passing the impugned order of de-affiliation against the petitioner. He submits that although the impugned order does not contain any reason for de-affiliation, detailed reasons in nature of deficiencies are explicitly noted in Annexure I to the impugned order.



He, therefore contends that the impugned order cannot be said to be an unreasoned order. Learned counsel for respondent no. 2 also supports the impugned order and contends that the inspection report relied upon by respondent no. 1 was based on a surprise inspection of the petitioner institute. The respondent no. 2 cannot be faulted for carrying out inspection on 18.02.2020 when it was admittedly never informed by the petitioner that it was adopting the said 'restricted holiday' as a holiday in its institute.

4. Having considered the submissions of learned counsel for the parties, even though I am unable to agree with the petitioner's plea that the impugned order does not contain any reasons for de-affiliation, it is trite law that an order passed by an authority has to be read alongwith the annexure which form an integral part thereof. Once Annexure I to the impugned order clearly sets out the deficiencies found in the petitioner institute, it cannot be said that the impugned order is cryptic or is unreasoned. I however find that even though based on the inspection report forwarded by the respondent no. 2, the respondent no. 1 had issued a Show Cause Notice dated 27.07.2020 to the petitioner which was duly replied to, the respondent no.1 has proceeded to pass the impugned order without even dealing with any of the detailed submissions made by the petitioner in its reply to the show cause notice. I therefore find merit in the petitioner's plea that the impugned order is not only violative of the principles of natural justice but is even otherwise arbitrary.
5. Learned counsel for the respondent no.1 has not been able to give any justification for the respondents' failure to even deal with the detailed



submissions made by the petitioner in its reply.

6. I am, therefore, of the considered opinion that the impugned order, besides having been passed in gross violation of principles of natural justice is even otherwise, not sustainable. The respondent while passing the impugned order, which has such serious penal consequences, was required to deal with the explanation given by the petitioner. Once an opportunity to show cause was given to the petitioner, the same could not be an empty formality; the respondent was expected to apply its mind to the same before simply referring to the deficiencies noted in the inspection report forwarded by respondent no.2. The impugned order is, therefore liable to be quashed and is, accordingly quashed.
7. As it is the petitioner's case that the inspection which formed the basis of the impugned order was conducted on a restricted holiday, which fact is not seriously denied by the respondents, it would be in the interest of justice that instead of the matter being remanded back to the respondent no.1, a fresh inspection which may be a surprise inspection, is carried out by the respondent no.2. The respondent no.2 is accordingly granted liberty to carry out a fresh inspection, the report whereof will be forwarded to the respondent no.1 for taking appropriate action against the petitioner, as may be warranted by following the principles of natural justice and complying with the laid down procedure.
8. Needless to state, the mere quashing of the impugned order will not therefore be treated as an expression of opinion by this Court regarding the deficiencies noted in the inspection report already



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furnished by respondent no.2 and will not preclude the respondents from issuing a fresh de-affiliation order in accordance with law.

9. The petition stands allowed in the aforesaid terms with a further direction to the respondent no.1 to reflect the correct status of the petitioner as a duly affiliated institute on its web-portal so as to enable the petitioner to make admissions in this academic session.

(REKHA PALLI)
JUDGE

APRIL 19, 2022/acm

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