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

+ **W.P.(C) 7920/2023**

INDIRA GANDHI COMPUTER SHAKSHARTA MISSION

.....Petitioner

Through: None.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Anuj Aggarwal, Mr. Yash
Upadhyay and Mr. Siddhant Dutt,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.11.2024

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1. The instant writ petition was first listed for consideration on 31st May, 2023. Since then, despite multiple adjournments, no notice has been issued to the Respondents. The record reflects that there was no appearance on behalf of the Petitioner on 10th July, 2024 and 28th October, 2024. The position remains the same even today. Nonetheless, with the assistance of Mr. Anuj Aggarwal, ASC for Respondent No. 2 – GNCTD, the Court has perused the documents on record.

2. The Petitioner, a non-profit organization, claims to be engaged in the empowerment of marginalized communities through education, skill development, and microfinance programs. They assert that in 2007, the Ministry of Labour & Employment, Government of India launched a



Modular Employable Skills¹ under Skill Development Initiative Scheme through the Directorate General of Employment and Training. Under this scheme, vocational training for employable skills was to be imparted to earlier school leavers and existing workers in the unorganised sectors.

3. The Petitioner asserts that after meeting the eligibility criteria, its application for accreditation and affiliation was duly accepted by Respondent No. 3 – Directorate General of Training, Ministry of Skill Development and Entrepreneurship. Consequently, the Petitioner was registered as a Vocational Training Provider² under the said scheme. To ensure the quality of training imparted, Respondent No. 4 appointed independent assessing bodies tasked with testing and certifying the Petitioner's training programs.

4. The Petitioner further claim that they successfully completed the VTP programme without any discrepancies and provided documentation including the list of placement of candidates along with the relevant documentation for release of their payments through Respondent No. 4, the assessing body. Relying on Sub Clause I of Clause No. C-5 (Reimbursement of training cost) of the SDI scheme, the Petitioner contends that post-certification, re-imbursement of training fee was to be routed through the respective States/Union Territory. On this basis, the Petitioner seeks a writ of mandamus for directing Respondent No. 4 - Paschim Banga Society for skill development (erroneously referred to as Respondent No. 2 in the prayer clause) for release of their outstanding dues amounting to INR 46,26,000/-.

5. However, Respondent No. 4 - Paschim Banga Society, from whom

¹ "MES"

² "VTP"



the Petitioner seeks relief, is located in Kolkata, West Bengal. Further, Mr. Anuj Aggarwal, counsel for Respondent No. 2 – GNCTD, has pointed out that GNCTD has no involvement in the matter. Moreover, the legal notices and claims of the Petitioner are issued to Paschim Banga Society for skill development. No claims are directed towards Respondent Nos. 1 and 2. Furthermore, it is also observed that, the clause relied upon by the Petitioner mandates that payments are to be processed by the relevant State Government, which in this case, is the State of West Bengal. Consequently, the present writ petition fails for lack of territorial jurisdiction.

6. Beyond jurisdictional concerns, the Court also notes that the claims raised by the Petitioner pertain solely to the payment of dues, which is purely a contractual dispute. Such issues are best adjudicated by a Civil Court through leading of evidence - rather than under Article 226 of the Constitution, which is primarily meant for public law remedies and enforcement of fundamental rights.

7. Thus, for the foregoing reasons, the Court finds no merit in the present writ petition and accordingly, the same is dismissed.

SANJEEV NARULA, J

NOVEMBER 29, 2024

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