



2026:DHC:1167



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

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*Judgment reserved on: 01.09.2025**Judgment delivered on: 11.02.2026*+ **W.P.(C) 10825/2025 and CM APPL. 44756/2025****SHERE PUNJAB PRIVATE ITI**

.....Petitioner

Through: Mr. Sanjay Sharawat, Sr. Adv. with
Mr. Ravi Kant, Mr. Mayank
Manish, Mr. Vineet Upadhyay, Mr.
Ayush Aanand and Mr. Jayant
Dubey, Advs.

versus

DIRECTORATE GENERAL OF TRAINING

.....Respondent

Through: Ms. Neha Rastogi, SPC with Mr.
Rajat Dubey and Mr. Shashank
Pandey, Advs.

CORAM:**HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J**

1. The present petition has been filed seeking following reliefs:

“(a) Issue Writ of Certiorari for quashing the de-affiliation order dated 20.09.2024 and minutes of Appellate Committee Meeting dated 01.04.2025 circulated through the Office Memorandum dated 29.04.2025, whereby, the Appeal of the Petitioner institution was rejected by the Appellate Committee of the respondent confirming the de-affiliation order dated 20.09.2024; and;

(b) Issue Writ of Mandamus to the respondent to issue the restoration of affiliation order from session 2025-2026 for running the 6 Units of Electrician Trade and 2 Units of Welder Trade.”

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W.P.(C) 10825/2025

Page 1 of 15



2026:DHC:1167



2. The grievance articulated in the present petition is essentially against the impugned order dated 20.09.2024 passed by respondent/Directorate General of Training ('DGT') de-affiliating the petitioner-ITI, as well as, the minutes of Appellate Committee Meeting dated 01.04.2025 circulated through the Office Memorandum dated 29.04.2025, whereby, the appeal preferred by the petitioner-ITI against the impugned order was rejected by the Appellate Committee of the respondent.

3. The brief facts as noted from the petition and material placed on record are that the petitioner-ITI was granted affiliation by the respondent *vide* its letter dated 06.12.2012 with permission to run 2 Units in 'Electrician Trade' and 2 Units in 'Wielder Trade'. At the time of passing of the impugned order of de-affiliation, petitioner-ITI was running 6 Units in 'Electrician Trade' and 2 Units in 'Welder Trade'.

4. Somewhere in 2022, a complaint was filed by father of one of the students against the petitioner-ITI alleging that the petitioner-ITI for the purpose of admission had charged excess fee and had misled the complainant to admit his son into a trade i.e. 'Diesel Mechanic', which was not available for offer at the petitioner-ITI.

5. The complaint was inquired into by Sh. Sanjeev Goyal, Deputy Director, Technical Education & Industrial Training, Punjab, who submitted its report *vide* letter dated 16.09.2022. In the said report, strict action was proposed against the petitioner-ITI.

6. Accordingly, on 01.10.2022, petitioner-ITI was issued a show cause notice ('SCN') calling upon it to submit its written reply within 21 days



2026:DHC:1167



and to show cause as to why action be not initiated to de-affiliate the petitioner-ITI. The SCN was responded to by petitioner *vide* its reply within the stipulated time.

7. The State Skill Development and Entrepreneurship Committee ('SSDEC') in its meeting held on 20.02.2023 considered the reply of petitioner and decided to conduct a joint inspection at the petitioner ITI.

8. In the meanwhile, the mother of the student on whose behest the complaint was filed, submitted an affidavit before SSDEC on 20.07.2023 deposing that on account of demise of her husband / complainant, as well as, her son moving abroad for higher studies, she does not wish to proceed with the complaint.

9. Thereafter, a joint physical inspection was carried out by the respondent at the petitioner-ITI. Basis the joint inspection report, as well as, regard being had to the mother's affidavit, the Regional Directorate of Skill Development and Entrepreneurship ('RDSDE'), Punjab *vide* communication dated 21.08.2023 submitted the following remarks to Additional Director – DTE & IT, Government of Punjab:

"As per the affidavit given by wife of the complainant (who has died), she does not want to take any further action in this matter. The committee is satisfied with the infrastructure, tools and equipment and workshop/class room area position. Therefore, the ITI may be allowed to start its units. The DTE&IT, Punjab may however ensure that a transparent mechanism should be in place for private it is on fees deposit and refund to the trainee in case he/she discontinues training. Copy of joint inspection report is attached herewith."

10. Subsequently, the case of petitioner-ITI was considered by SSDEC in its 3rd meeting held on 10.10.2023, which recommended de-affiliation



2026:DHC:1167



of petitioner-ITI. Accordingly, the respondent passed the impugned order dated 20.09.2024.

11. Aggrieved by the impugned order dated 20.09.2024, petitioner-ITI filed a writ petition before the High Court of Punjab and Haryana being W.P.(C) 29634/2024. The High Court *vide* its order dated 08.01.2025 disposed of the writ petition relegating the petitioner herein to file an appeal before the Appellate Committee, without going into the merits of the case.

12. On 20.01.2025, the petitioner preferred an appeal before the Appellate Committee / Grievance Redressal Cell of the respondent/DGT, which dismissed the appeal *vide* impugned order dated 01.04.2025, which was communicated to petitioner-ITI under the cover of letter of Appellate Committee dated 29.04.2025. In this backdrop, the present petition has been filed.

13. Mr. Sanjay Sharawat, learned Senior Counsel appearing on behalf of petitioner-ITI, at the outset, submits that the impugned order is on the face of it arbitrary having passed in contravention to the principles of proportionality.

14. He submits that in the impugned order no weightage is given to the remark made by RDSDE Punjab in its communication dated 21.08.2023 to the effect that *“the committee is satisfied with the infrastructure, tools and equipment and workshop/class room area position. Therefore, the ITI may be allowed to start its units”*.

15. He submits that post the said positive report, neither a fresh SCN was issued nor a chance of hearing was given to petitioner-ITI. The petitioner-ITI was then finally heard at the time of appeal.



2026:DHC:1167



16. He submits that at Sr. No./ Point No.8 of the order dated 05.02.2024 by virtue of which de-affiliation of petitioner-ITI was recommended, it is mentioned that the respondent considered two inspection reports whilst coming to the conclusion of de-affiliation, however, the fact of the matter is that only one joint inspection was carried out of the petitioner-ITI by the Standing Committee on 05.07.2023 that too in favour of petitioner-ITI. Therefore, the observations made in the impugned orders are perverse and contrary to record.

17. He submits that even if the allegations in the complaint are believed to be true for the sake of argument, though the matter already stands settled, the punishment eventually imposed upon petitioner-ITI is not in consonance with principles of proportionality.

18. Substantiating his plea on the doctrine of proportionality, he submits that the petitioner-ITI had already been de-listed from the portal of approved private ITI's since Academic Session 2023-2024 and the entire functioning of the institute is in a state of halt since then. Thus, petitioner-ITI has already faced the music of impugned order/letter dated 20.09.2024 retrospectively. Moreover, the impugned order dated 20.09.2024 does not specify the future period of de-affiliation.

19. He submits that since the joint inspection dated 05.07.2023 came in favour of petitioner-ITI, even if SSDEC had to disagree with the same, it was imperative on its part to have issued a SCN to petitioner-ITI, which was not done in the present case.

20. He further submits that the genesis of initiation of proceedings against petitioner-ITI was a complaint filed at the behest of a student's father, which was subsequently withdrawn by the mother of the said



2026:DHC:1167



student. In this backdrop, the very foundation of proceedings having been knocked out by such withdrawal, respondent-DGT, on this ground alone, ought not to have taken any action against petitioner-ITI.

21. He lastly submits that respondent has failed to adhere to timelines provided for completion of de-affiliation process in its 'Standard Operating Procedure ('SOP') for De-affiliation' dated 14.11.2022, according to which, it was incumbent upon respondent to complete the entire process roughly within 120 days from the issuance of show cause notice.

22. *Per contra*, Ms. Neha Rastogi, learned Senior Panel Counsel appearing on behalf of respondent-DGT at the outset, invites attention of the Court to the Affiliation Norms for ITI's for the year 2018 ('Affiliation Norms-2018'), more particularly to its Instruction 4.1.5, to contend that violation of affiliation norms or any other violation or malpractices entails consequence of de-affiliation for a minimum period of three years.

23. She submits that petitioner-ITI cannot take the shelter of compromise which took place between the complainant's wife and the petitioner-ITI for seeking quashing of an order which is otherwise legal. She submits that the proceedings against petitioner-ITI pre-dates the compromise. Therefore, a compromise between third parties cannot be a defence to escape from the liability for any mischief that the petitioner-ITI has committed.

24. She submits that petitioner-ITI had admitted the complainant's son in the 'Electrician Trade' but the fee receipts clearly exhibit the fact that student was admitted in the 'Diesel Mechanic Trade', which petitioner-ITI was not affiliated to offer / run. Hence, the action of petitioner-ITI was



2026:DHC:1167



found to be malicious in nature, which formed a ground for de-affiliation in accordance with the Affiliation Norms-2018.

25. She further submits that in the earlier writ petition being W.P.(C) 29634/2024 filed by petitioner-ITI before the High Court of Punjab and Haryana, petitioner-ITI had clearly admitted that it had re-admitted the complainant's son to some other institute viz. Jai Hind Pvt. Ltd. However, petitioner-ITI did not possess the requisite authority to transfer the trainees on their own to any other institute without seeking approval from the concerned authorities. This also shows that petitioner-ITI was involved in more than one malpractice.

26. She submits that the respondent has acted in consonance with Affiliation Norms-2018, therefore, impugned order is reasonable, fair and legal. As a corollary, debarment of petitioner-ITI for a period of 3 years, which is for a minimum period, cannot be termed as excessive or disproportionate, rather it is absolutely commensurate to petitioner-ITI's actions and malpractices.

27. She lastly submits that if petitioner-ITI is granted a relief and the impugned order is set aside despite its involvement in mal-practices, the same will set a bad example for ITI ecosystem and set an unfavourable precedent in handling of such complaints.

28. I have heard learned counsel for parties and have perused the material on record.

29. The challenge in the present petition is to the impugned order of de-affiliation dated 20.09.2024 passed by the respondent whereby the petitioner institute has been de-affiliated w.e.f. Academic Session 2024-2025. Though the period for which de-affiliation would remain in



operation has not been mentioned in the said impugned order, but Instructions 4.1.5 of the Affiliation Norms-2018 provides that de-affiliation will be for a minimum period of three years.

30. The trigger for initiation of proceedings for penal action in the present case was a complaint filed by father of one of the students in 2022, who alleged that petitioner ITI had charged excess fee and had mislead the complainant to admit his son in a Trade, i.e. 'Diesel Mechanic', which was not available for offer at the petitioner-ITI.

31. The Standard Operating Procedure ('SOP') for de-affiliation of ITIs, which is on record, provides for the timelines for inquiring into a complaint and taking disciplinary action in respect thereof. The relevant part of the SOP reads thus: -

“

SOP for De-affiliation

1. Receipt of complaint from individual complaint:

If any complaint is received to State/RDSDE/DGT than following SOP and timelines will be followed or proceed for de-affiliation. As per the SSDEC order dated 28.03.2022 SSDEC will scrutinize the complaints against ITI, will conduct joint inspection as per the norm laid by DGT and will provide the recommendation to DGT for SCAA approval.

Such type of De-affiliation matters has to be dealt by SSDEC, SOP and timelines are defined SOP to give their recommendation.

<i>Process/Activity</i>	<i>Actor/responsibility</i>	<i>Timelines</i>
<i>If any complaint received related to- Violation of affiliation norms or any other violation or malpractices If any of the documents submitted for seeking affiliation</i>	<i>Show cause notice should be served to email id mentioned in portal and preferably vide speed post also. By RDSDE/State Directorate</i>	<i>Issuance of show cause notice (SCN) immediately clearly mentioning the deficiencies in the functioning of the ITI.</i>



2026:DHC:1167



<i>such as, lease deed/land ownership, trust, electricity bills, bank guarantee etc. are found forged/manipulated. If any machinery or equipment is found demobilized/moved to another ITI without following latest NCVT norms or prior written approval from DGT. Any malpractice related to NCVTMIS portal If any institute relocated without prior approval of DGT or State. The complainant will provide his identity proof (ID Card, email ID, contact number) along with the supporting proof in respect to the complaint such as photos, videos, portal data and any documentary proof of ITI.</i>		
<i>Reply to the Show Cause Notice.</i>	<i>ITI</i>	<i>20 working days from issuance of Show Cause Notice</i>
<i>No reply : in case of the reply within 20 working days</i>	<i>RDSDE/State Directorate</i>	<i>For reply 5 working days from issuance of</i>

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Signing Date: 11/02/2026
18:42:20

W.P.(C) 10825/2025

Page 9 of 15



2026:DHC:1167



<i>issuance of reminder of Show Cause Notice. A second SCN will be given to ITI.</i>		<i>reminder Show cause notice.</i>
<i>SSDEC will examine the reply sent to ITI and will conduct joint inspection.</i>	<i>SSDEC</i>	<i>20 days</i>
<i>Joint inspection of ITI as per norms laid by DGT</i>	<i>RDSDE/State Directorate</i>	<i>10 days</i>
<i>Joint inspection report will be placed in SSED and SSDEC will sent its recommendation to TC Section, DGT HQ.</i>	<i>SSDEC</i>	<i>20 days</i>
<i>Recommendation of SSDEC/verification report will be placed in SCAA for final decision</i>	<i>DGT</i>	<i>30 days</i>
<i>If committee decides for continuation nof affiliation then show cause notice may be dismissed. If SCAA decides to be affiliate the institute then issuance of De-Affiliation order and communicate to ITI and State Directorate along with self experting order clearly</i>		

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18:42:20

W.P.(C) 10825/2025

Page 10 of 15



2026:DHC:1167



<i>mentioning the deficiencies in the functioning in the said ITI.</i>		
<i>De-affiliate the trades/units of the ITI from NCVT MIS portal, this will not allow ITI to take admission further.</i>	<i>DGT</i>	<i>Immediately after issuance of the affiliation orders</i>
<i>Once exams of all admitted trainees will complete then inactive ITI and ITI status on NCVT MIS portal is as 'de-affiliated'</i>	<i>DGT</i>	
<i>While De-Affiliation closure of Institute/surrender of unit (s)/Trade (s) institute and DGT shall ensure that all trainees enrolled complete the training duration and no such admissions are admitted.</i>	<i>ITI and DGT</i>	

”

(emphasis supplied)

32. A perusal of the above timelines shows that the entire process pursuant to the receipt of complaint, which gets initiated with the issuance of show-cause notice and culminates with the passing of an order by the respondent needs to be concluded approximately within a period of 95 days.

33. However, in the present case, in contrast to the above timelines, the

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18:42:20

W.P.(C) 10825/2025

Page 11 of 15



2026:DHC:1167



process commenced with the issuance of show-cause notice dated 01.10.2022, but the impugned order of de-affiliation came to be passed on 20.09.2024. Clearly, it took approximately two years' time for the show-cause notice to culminate into an order of de-affiliation.

34. The petitioner/ITI also preferred an appeal against the impugned order dated 20.09.2024 before the Appellate Committee on 20.01.2025, which was rejected by the Appellate Committee *vide* its impugned Minutes of Meeting dated 01.04.2025.

35. In the meanwhile, as admitted by the respondent, the functioning of the petitioner-ITI was halted as the portal for fresh admissions in respect of petitioner-ITI was blocked by the respondent from the Academic Session 2023-2024 onwards. This admission by respondent has been noted by this Court in its order dated 10.10.2025 when the matter was listed for seeking clarification. Notably, in the said order, the factual aspect with regard to the petitioner-ITI not being permitted to admit students from the Academic Session 2023-2024 onwards was not disputed by the respondent.

36. The position which thus, emerges is that, as of now the petitioner-ITI has already been debarred from admitting fresh students for three Academic Sessions *viz.*, 2023-2024; 2024-2025 and 2025-2026.

37. That apart, the Court notes that the complaint made by the complainant was also subsequently withdrawn. Furthermore, the summary of the joint inspection conducted at the instance of SSDEC, which was communicated by the DGT, Punjab *vide* letter dated 21.08.2023 to Additional Director, DTE & IT, Government of Punjab, clearly shows that there was no adverse comment made in the said report, rather in the



2026:DHC:1167



remarks section it is recorded that the Committee is satisfied with the infrastructure, tools and equipment and workshops/classroom area position, besides observing that an affidavit has also been given by the wife of the complainant (who had died) that she does not want to take any further action in the matter. Accordingly, recommendation was made that petitioner-ITI may be allowed to start its units. Notwithstanding said positive inspection report, SSEDG in its 3rd meeting held on 10.10.2023 recommended de-affiliation of petitioner/ITI, basis which the impugned order of de-affiliation dated 20.09.2024 came to be passed.

38. In the overall conspectus of the facts noted above, this Court is of the view that non-adherence by respondent to the timelines stipulated in SOP for concluding the disciplinary proceedings against petitioner-ITI, which kick-started with the issuance of show-cause notice dated 01.10.2022 has clearly caused inordinate delay in completion of the entire process leading to passing of an order of de-affiliation, thereby causing prejudice to petitioner-ITI.

39. As noted above, on the basis of a complaint, the show-cause notice was issued to petitioner-ITI on 01.10.2022, but the order of de-affiliation came to be passed only on 20.09.2024. Had the respondent adhered to the timelines as stipulated in the SOP, the order of de-affiliation could have been passed within a period of 95 days or at least within a reasonable time of four months from the date of show cause notice dated 01.10.2022. Thus, calculated the de-affiliation order could have been passed in January 2023 and the period of de-affiliation for three years would have expired on 30.01.2026.

40. But, since respondent had closed the portal for fresh admission *qua*



2026:DHC:1167



petitioner-ITI w.e.f. Academic Session 2023-2024, the *de facto* de-affiliation commenced from the said Academic Session, though the formal de-affiliation order came to be passed only on 20.09.2024.

41. In the facts of the present case, this Court is of the view that the period which preceded the formal de-affiliation order dated 20.09.2024, during which the portal was blocked for the petitioner ITI practically preventing it from making any admission for the Academic Session 2023-2024 onwards, is ought to be counted towards the penalty of de-affiliation of three years. If the preceding period is so counted, petitioner-ITI has already undergone de-affiliation for a period of three years.

42. As already noted, the impugned order dated 20.09.2024 is silent as regards the period of de-affiliation, but the Affiliation Norms-2018 provides that debarment can be for a minimum period of three years. In the given circumstances, this Court is of the view that the debarment of petitioner-ITI for a period of three years as a penalty, is commensurate with the alleged malpractice.

43. This Court cannot be unmindful of the fact that in the realm of administrative law, particularly in the context of educational institutions, de-affiliation has been termed as a 'Civil Death' inasmuch as such an extreme measure does not merely affect the management, it jeopardises the future of the students and livelihood of the staff. In this regard, reference may be had to the observations made by the Coordinate Bench of this Court in *Mount Columbus School & Ors. vs. CBSE*¹ wherein it was observed as under:

“48.The decision to disaffiliate an educational institution

¹ 2024 SCC OnLine Del 2778.



2026:DHC:1167



is an extreme decision. It amounts to civil death. It results in serious prejudice not only to the institution, its officers and employees, but to the multitude of students who are being educated within its portals. It is a decision to be taken, therefore, in the most extreme of cases, and after rigorous and scrupulous adherence not only to the procedure stipulated in that regard, but also independently with the principles of natural justice and fair play, which would include, needless to say, compliance with audi alteram partem.”

(emphasis supplied)

44. In view of the above discussion, without going into the legality of the penal action taken by the respondent against the petitioner-ITI, this Court is of the view that period of de-affiliation till the passing of this order will meet the ends of justice.

45. The writ is thus partly allowed. Consequently, respondent is directed to grant affiliation to the petitioner-ITI w.e.f. Academic Session 2026-27. The respondent is further directed to open its portal for fresh admissions by the petitioner ITI for the ensuing academic session.

46. The petition, along with pending application(s), stands disposed of in the above terms.

VIKAS MAHAJAN, J

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W.P.(C) 10825/2025

Page 15 of 15