

Mata Seeta Devi Private Iti vs Directorate General Of Training on 20 February, 2023

Author: Purushaindra Kumar Kaurav

Bench: Purushaindra Kumar Kaurav

\$~4, 40 to 44, 46 to 48

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1913/2023

MATA SEETA DEVI PRIVATE ITI Petitioner
Through: Mr. Sanjay Sharawat, Mr. Ashok
Kumar and Mr. Nadeem Khan,
Advocates.

versus

DIRECTORATE GENERAL OF TRAINING Respondent
Through: Mr. Rishab Sahu and Mr. Sateer
Sharma, Advocates.

+ W.P.(C) 12898/2021, CM APPL. 40660/2021 and CM APPL.
40526/2022

SHRI MOTILAL RICHHARIYA PRIVATE I.T.I Petiti
Through: Mr. Sanjay Sharawat, Mr. Ashok
Kumar and Mr. Nadeem Khan,
Advocates.
Mr. Achint Kumar, Advocate.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Re
Through: Mr. Abhishek Khanna and Ms. Us
Jamnal, Advocate for R-1.
Mr. Akhilesh Suresh, Advocate
2.

+ W.P.(C) 13652/2021 and CM APPL. 34323/2022

BRIJ PRIVATE ITI P
Through: Mr. Sanjay Sharawat, Mr. As
Kumar and Mr. Nadeem Khan,
Advocates.

Signature Not Verified
Signed By:PRIYA
Signing Date:23.02.2023

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versus

DIRECTORATE GENERAL OF TRAINING Respondent
Through: Ms. Shubhra Parashar and Mr.
Virender Pratap Singh Charak,
Advocates.

+ W.P.(C) 13682/2021

NGI PRIVATE ITI Petitioner
Through: Mr. Sanjay Sharawat, Mr. Ashok
Kumar and Mr. Nadeem Khan,
Advocates.

versus

DIRECTORATE GENERAL OF TRAINING Respondent
Through: Mr. Arnav Kumar, CGSC with Mr.
Harshil Manchanda, Advocates.

+ W.P.(C) 10917/2022

APJ KALAM PRIVATE ITI Petitioner
Through: Mr. Sanjay Sharawat, Mr. Ashok
Kumar and Mr. Nadeem Khan,
Advocates.

versus

DIRECTORATE GENERAL OF TRAINING Respondent
Through: Mr. Farman Ali, SPC with Mr.
Kritagya Kait, GP along with Ms.
Usha and Mr. Krishan Kumar,
Advocates.

+ W.P.(C) 11154/2022

RAMASHISH PRASAD PRIVATE ITI Petitioner
Through: Mr. Sanjay Sharawat, Mr. Ashok
Kumar and Mr. Nadeem Khan,

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Signing Date:23.02.2023
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Advocates.

versus

DIRECTORATE GENERAL OF TRAINING Respondent
Through: Ms. Shubhra Prashar and Mr.
Virender Pratap Singh Charak,
Advocates.

+ W.P.(C) 10875/2022

ANAND PRIVATE ITI

..... Petitioner

Through:

Mr. Sanjay Sharawat, Mr. Ashok Kumar and Mr. Nadeem Khan, Advocates.

versus

DIRECTORATE GENERAL OF TRAINING

..... Respondent

Through: Mr. Farman Ali, SPC with Ms. Usha and Mr. Krishan Kumar, Advocate.

+ W.P.(C) 11079/2022

GULAB ANJANI CHAUDHARY PRIVATE ITI

..... Petitioner

Through: Mr. Sanjay Sharawat, Mr. Ashok Kumar and Mr. Nadeem Khan, Advocates.

versus

DIRECTORATE GENERAL OF TRAINING

..... Respondent

Through: Mr. Farman Ali, SPC with Ms. Usha and Mr. Krishan Kumar, Advocate.

+ W.P.(C) 13566/2022

MANDEEP PRIVATE ITI

..... Petitioner

Through:

Mr. Sanjay Sharawat, Mr. Ashok Kumar and Mr. Nadeem Khan, Advocates.

versus

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Signing Date:23.02.2023
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DIRECTORATE GENERAL OF TRAINING

..... Respondent

Through: Ms. Garima Sachdeva, Senior Panel Counsel.
Ms. Aishwarya Dobhal, Advocate, GP.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% 20.02.2023

1. Since the issue involved in these cases is similar, therefore, they are being decided by a common order.

2. The facts are extracted from W.P.(C) 10917/2022. The petitioner is impugning the decision taken by the respondent vide communicated dated 30.09.2021 and 11.01.2022, whereby, the application of the petitioner for seeking affiliation for additional 09 units in Electrician Trade and 03 in Fitter Trade has been rejected.
3. Needless to state that in different cases, the dates of orders, dates of communications, numbers of units and courses may have variance, however, that would not be the relevant factor for adjudicating the issue involved in all these cases.
4. The petitioners in each case are duly affiliated institutions running different courses of ITI (Industrial Training Institute). All the petitioners' institutions were granted affiliations for running a particular unit in a given trade. The petitioners' institutions in all cases applied for an expansion of their units/trades in respective courses.
5. The grievance put forth by the learned counsel appearing on behalf of the petitioner is that a wrong grading system has been made applicable to them. According to him, the grading system and the parameters stipulated therein cannot be unilaterally made applicable in all institutions without considering the existence of length of the particular institution.
6. He states that the grading system is such which cannot be made applicable to institutions who do not have a life span of more than three years. He submits that on account of the incorrect grading system, the appropriate permission/affiliation for expansion has been rejected by the different impugned orders passed in each case.
7. Learned counsel appearing on behalf of the respondents, however, states that the petitioners have been rightly denied the benefit of expansion. There is no flaw in the grading system. The Policy has been made applicable to all institutions. According to him, the respondents are in process of formulating a fresh grading system and possibly from the next academic year i.e. 2023-2024, the new grading system would be in operation, therefore, this court as of now may not require to adjudicate the issue involved in these cases. He, however, states that if the respondents are not in a position to formulate a new grading system, then only the petitioners can maintain their petitions.
8. I have heard learned counsel appearing on behalf of the parties and given thoughtful consideration to the submissions made by them.
9. Before proceeding further to analyse the facts and the issue involved in each case, it is to be noted that in each case, the impugned decision is taken by the respondents without providing any opportunity of hearing to them. The fact as to whether the grading system can possibly be made applicable uniformly to the petitioners-institution or not could have been only ascertained, if the respondents had heard the petitioners. Each institution may have different explanation. If the institution is heard, and the explanation is considered by the respondent, the appropriate decision could have been taken thereon. Since the petitioner institutions were not heard and the impugned decision has been taken, therefore, in all those cases, the decision so taken by the respondent is in violation of principle of natural justice. Without going into the details of each case, this court finds it

appropriate to set aside all impugned decisions passed in respective cases only on this ground.

10. Accordingly, impugned orders dated 26.10.2021 in W.P.(C) 1913/2023, 22.03.2021 and 23.09.2021 in W.P.(C) 12898/2021, 30.09.2021 in W.P.(C) 13652/2021 and W.P.(C) 13682/2021, 30.09.2021 and 11.01.2022 in W.P.(C) 10917/2022, 24.06.2022 in W.P.(C) 11154/2022 and W.P.(C) 10875/2022, 30.09.2021 and 11.01.2022 in W.P.(C) 11079/2022, 05.04.2022 and 06.04.2022 in W.P.(C) 13566/2022 are hereby set aside.

11. The respondents are at liberty to conduct a fresh inspection if they so desire and issue a fresh show cause notice to each of the petitioner institutions within a period of five weeks from today. The petitioners are at liberty to file their response within a period of two weeks thereafter. The Respondents shall take a final decision within two weeks thereafter.

12. The petitions stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J FEBRUARY 20, 2023/p [Click here to check corrigendum](#), if any