

DGT-HC044/10/2022-O/o DIR (TC) E-47504
Government of India
Ministry of Skill Development and Entrepreneurship
Directorate General of Training (DGT)

Employment Exchange Building,
1st floor, Pusa, New Delhi,
Date: 23rd January, 2024

OFFICE MEMORANDUM

Subject: Regarding the compliance of judgement dated 19.05.2023 passed by the Hon'ble court in W.P.(C) No.3267/2022 titled as "New Nehru Private ITI & Anr" Versus DGT.

1. Whereas the Petitioner Institute, i.e Nehru Pvt ITI, (MIS code- PR09900348) situated in Uttar Pradesh, was de-affiliated vide DGT Order no. DGT- Daff/2/2021 -O/o Dir (TC) dated 28/10/2021, due to fake and fabricated document/order produced by the Petitioner ITI, based upon the verification and enquiry at DGT level.

2. Whereas the Petitioner Institute has filed the Writ Petition WPC no. 3267/2022 dated 21/02/22 before the Hon'ble High Court of Delhi for seeking the following relief:-

"a) Issue a writ of Mandamus and direct the Respondent No.1 to accept the examination fee of the 300 trainees admitted by Petitioner for academic session August 2019 and permit them to generate their hall tickets and enable them to appear in the All India Trade Test [AITT] final/second year theory examinations scheduled to take place in March, 2022; and

b) Issue a writ of Mandamus and direct the Respondent No.1 to accept the examination fee of the 300 trainees admitted by Petitioner for academic session August 2020; accept their examination fee and permit them to generate their hall tickets and enable them to appear in the All India Trade Test [AITT] final/second year theory examinations scheduled to take place in March, 2022; and."

3. Whereas, the Hon'ble court vide its dated 19.05.2023 disposed of the matter in the 02 other connected matter inter alia directing that the petitioner-institutions file appropriate affidavits along with relevant documents to indicate as to how many students had enrolled in their respective institutions in the concerned year. Depending upon the submissions to be made by the petitioner institutions, the DGT may pass appropriate order with respect to shifting of those students to any other institution. It is further stated that the concerned DGT will also look into the aspects of genuineness of the affiliation order, and if they are found to be genuine, the necessary consequences must follow.

4. That, in compliance to above subject judgement, the Petitioner Institute was directed to submit an Affidavit along with corroborative documents enumerating details of the enrolled students/trainees for the concerned year vide DGT letter dated 21.06.2023. The final decision/ Order of the DGT was contingent on the documentary evidence submitted by the Petitioner Institute.

5. That, the petitioner has submitted its reply vide its letter dated 11.07.2023 stating that no trainees were required to transfer from petitioner institute to other ITI. However, despite the directions of the Hon'ble Court, the Petitioner Institute failed to submit the requisite documentary proof such as the list of names of the trainees, Attendance sheet, Admission receipt etc so as to verify the details of the trainees.

6. Whereas, the transfer of the students/ trainees from the Petitioner Institute in the middle of the academic session in terms of the Order dated 14.03.2023 was subject to verification and receipt of documentary details by the Petitioner Institute. That the Petitioner Institute insisted on the appearance of the students/ trainees for final exam for the session July 2023 and did not deliberately share the data required for the purpose of transfer. That as a consequence of non-compliance with the direction of the

Hon'ble Court, the transfer of the data could not be materialised and the details could not be authenticated.

7. That, on further verification of data uploaded on the NCVT Portal as well as the Affiliation Order produced by the Petitioner Institute, it was found that the data pertaining to the trainees was uploaded on the portal through unfair and unauthorised means, by an individual named Sh. Ajay Kumar Gupta, to give it a false appearance of affiliation. Adding to the above, the Petitioner Institute failed to comply with the direction of the Hon'ble court and did not provide any requisite documentary evidence to assist the department for the purpose of enquiry. Based on the records available the Affiliation order produced by the petitioner ITI was also found to be fake and fabricated.

8. That, the affiliation order produced by the petitioner is fabricated and inauthentic, since the date mentioned in the order in reference to the Minutes of Meeting (MoM) is false. It is pertinent to mention that subsequent to further verification by the department, it was discovered that no such meeting was conducted on the said date. That the corroborative documents further indicate that no meeting, whatsoever in respect to affiliation was held on 20.12.2018.

9. That the upload of data on the portal through unfair means and the Production of a fake document is not only a misconduct and criminal offence, but is also a violation of the 2018 Affiliation norms. As a consequence of the continuous violation of the norms and laws, the Petitioner Institute has been de-affiliated in terms of the Order dated 28.10.2021.

In view of the above iterated circumstance, this speaking order is deemed to be considered a formal De-affiliation order for the Petitioner Institute for the reasons mentioned here in above.

Yours's Faithfully

उज्ज्वल बिस्वास/UJJWAL BISWAS
निदेशक / Director
प्रशिक्षण महानिदेशालय/Directorate General of Training
कौशल विकास एवं उद्यमशीलता मंत्रालय
Ministry of Skill Development and Entrepreneurship
कक्षा बरकत, नई दिल्ली-12/Govt. of India, New Delhi-12

(Ujjwal Biswas)
Director (TC)

To

1. The Director, Director, Training and Employment Guru Gobind Singh Marg, Lucknow - 226004, Uttar Pradesh.
2. The Principal/Office In-charge of New Nehru Pvt.ITI through its registered email.

Copy for information to: -

1. Sr. PPS to DG/AS, DGT Hqrs, New Delhi.
2. Sr. PPS to DDG(Affiliation)/SCAA Chairperson, DGT Hqrs, New Delhi.
3. The Regional Director, RDSDE UP.
4. Deputy Director TC with a request to upload on NCVT MIS portal
5. Guard file


(Kanika Kalhan)
Training Officer (TC)