

OFFICE MEMORANDUM

Subject: Regarding compliance of judgement dated 17.10.2023 passed in CONT.CAS(C) 895/2022 titled "Durga Pvt ITI & Anr Vs Ms Trishaljit Sethi".

Whereas, in the present case, the main Writ Petition No. 6302/2022 was filed by the Petitioner Institute i.e. Durga Pvt ITI, UP with (code-TMPOLD320 MSTI) for challenging the decision taken by the DGT in its 04th Standing Committee Meeting on Accreditation and Affiliation (Hereinafter referred to as "SCAA meeting") held on 26.10.2021, wherein the Application of the Petitioner Institute seeking affiliation for academic session 2020-21 in respect to 04 units of Electrician Trade and 2 units of COPA trade was rejected.

2. Whereas the aforesaid Writ Petition was disposed off vide an Order dated 20.04.2022 whereby the Hon'ble Court quashed the impugned Order dated 09.11.2021 which recorded the minutes of the meeting held on 26.10.2021 and further directed the Respondent to reconsider the application of the Petitioner Institute by affording it an opportunity to cure the deficiencies noted in the inspection report in a time bound manner. It is pertinent to state that during the course of reconsideration of the Application, the Petitioner Institute, proceeded with the filing of a Contempt petition, Cont. Case No.895/2022, for the non-compliance of the Order dated 20.04.2022 passed by the Hon'ble Delhi High Court in WPC 6302/2022.

3. That in compliance with the aforesaid judgement, the application of the Petitioner Institute was reconsidered and thereafter rejected in the 6th SCAA meeting held on 30.08.2022 (recorded vide minutes of meeting dated 13.09.2022) since the deficiencies observed during the 4th SCAA meeting were still not rectified by the petitioner Institute.

4. That the Contempt Petition was disposed off on 17.10.2023 inter alia directing that the Respondent shall give a Show Cause Notice/Opportunity to the Petitioner Institute in order to rectify the deficiencies within 7 days from the date of the aforesaid Order, the Petitioner Institute was directed to respond to the same within 5 days thereafter and subsequently within 1 week, the decision was to be communicated to the Petitioner Institute on the pending application for grant of affiliation for the Session of 2023- 2024.

5. That in compliance with the above stated Order dated 17.10.2023, the Petitioner Institute was afforded an opportunity by serving a Show-Cause Notice (SCN) vide email 01.11.2023 to cure the deficiencies observed in 6th SCAA MoM issued on 13.09.2022 within 07 days from the receipt of the E-mail. The Reply of the Petitioner Institute dated 06.11.2023 was scrutinized at DGT but the deficiencies in respect to the Building Completion Certificate (BCC), Electricity Bill, Land Documents, Drawing Hall, Machinery Bills and NoC for MSTI were again not cured by the Petitioner Institute. Accordingly, the Petitioner Institute was afforded another opportunity to rectify these deficiencies and was informed about the same vide an E- mail dated 08.11.2023. The E-mail categorically mentioned that the Petitioner Institute shall resolve the deficiencies within 15 days from the receipt of the e-mail which was to be further verified by the RDSDE, Uttar Pradesh.

6. That the team comprising of officials from RDSDE visited the premises of the Petitioner Institute on 01.12.2023 and submitted the verification report dated 06.12.2023. The verification report was further scrutinized at the DGT Headquarters, and it was observed that the Petitioner Institute has still not cured the deficiencies. The deficiencies highlighted in the E- mail dated 29.12.2023 has been reiterated herein below: -

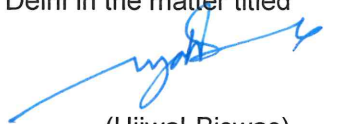
- I. Boundary wall is not available in front of Institute Building.
- II. Institute Board on main gate is not available.
- III. The area of the drawing Hall is less as per norms.
- IV. Proper lighting arrangement (adequate number of tube light and fan).
- V. A No Objection Certificate (NOC) document, issued by the State Directorate on its official letterhead with the proper date, clearly states whether the block in which this ITI is located is served or not.

7. That in compliance with the principle of natural justice, the Petitioner Institute was afforded 3rd opportunity to rectify the deficiencies again within 01 month from the date of the email 29.12.2023, which was to be further substantiated by verification by RDSDE officials. It was categorically mentioned that in case, the deficiencies are not cured then DGT shall not be able to reschedule the inspection again. Accordingly, the inspection of the Petitioner Institute was further scheduled on 08.04.2024 with a prior intimation served vide an email dated 02.04.2024 from the Inspecting Party/Team.

8. That despite providing the Petitioner Institute with another opportunity for rectification, it blatantly refused for its premises to be inspected or verified vide a reply to the aforesaid E-mail on 05.04.2024, so the deficiencies could not be verified by the team. It is pertinent to mention here that the deficiencies observed in the Inspection Report can only be verified by visiting the concerned Institute and the recommendation of inspection cum verification team is the primary criterion for granting the final affiliation.

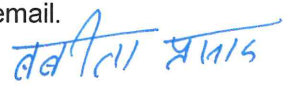
9. In view of above iterated circumstances, it is submitted that the petitioner institute was granted multiple opportunities, but it failed to rectify the deficiencies and refused for subsequent final verification. Therefore, the application for 04 units of Electrician Trade and 2 units of COPA trade are hereby "Rejected".

10. This is issued with the approval of Competent Authority in compliance of the judgement dated 17.10.2023 passed in CONT.CAS(C) 895/2022 by the Hon'ble High Court of Delhi in the matter titled "Durga Pvt ITI and Anr vs Mrs. Trishaljit Sethi".


(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 petitioner institute through its registered email.


(Babita Prasad)
Training Officer (TC)

Copy to: -

1. PSO 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.

