



2024: DHC: 3981



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

+ WP(C) 6449/2024

NEW SHERSHAH ITC Petitioner

Through: Mr. Sanjay Sharawat, Adv. with
Mr. Ashok Kumar, Adv.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through: Mr. Farman Ali, SPC with Ms.
Usha Jamnal and Mr. Krishan Kumar, Adv.
for R-1

Mr. Samir Ali Khan, Mr. Shivam Prashar,
Mr. Abhimanyu Jhamba and Mr. Thonpinao
Thangal, Advocates, for Respondent 2.

+ WP(C) 4978/2024

SHAMS PRIVATE ITI Petitioner

Through: Mr. Sanjay Sharawat, Adv. with
Mr. Ashok Kumar, Adv

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through: Mr. Naginder Benipal with Ms.
Vidhi Gupta, Mr. Ankit Siwach and Ms.
Anjali Pandey, Advocates, for Respondent 1

Mr. Samir Ali Khan, Mr. Shivam Prashar,
Mr. Abhimanyu Jhamba and Mr. Thonpinao
Thangal, Advocates, for Respondent 2.

+ WP(C) 4981/2024

GREATER PRIVATE ITI Petitioner

Through: Mr. Sanjay Sharawat, Adv. with



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Mr. Ashok Kumar, Adv.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through: Mr. Naginder Benipal, Ms. Vidhi Gupta and Mr. Ankit Siwach, Advocates, for Respondent 1.

Mr. Samir Ali Khan, Mr. Shivam Prashar, Mr. Abhimanyu Jhamba and Mr. ThonpinaoThangal, Advocates, for Respondent 2.

+ WP(C) 5001/2024

NBIT PRIVATE ITI

..... Petitioner

Through: Mr. Sanjay Sharawat, Adv. with Mr. Ashok Kumar, Adv

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through: Ms. Bandana Kaur Grover with Mr. Hardik Bedi, Advocates, for Respondent 1.

Mr. Samir Ali Khan, Mr. Shivam Prashar, Mr. Abhimanyu Jhamba and Mr. ThonpinaoThangal, Advocates, for Respondent 2.

+ WP(C) 5127/2024

GREATER PRIVATE ITI

..... Petitioner

Through: Mr. Sanjay Sharawat, Adv. with Mr. Ashok Kumar, Adv

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents



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Through: Mr. Naginder Benipal with Ms. Vidhi Gupta, Mr. Ankit Siwach and Ms. Anjali Pandey, Advocates, for Respondent 1

+ WP(C) 5128/2024

MD HAROON PRIVATE ITI Petitioner
Through: Mr. Sanjay Sharawat, Adv. with Mr. Ashok Kumar, Adv.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.
..... Respondents
Through: Mr. Kanav Vir Singh, Mr. Farman Ali, Mr. Vidur Dwivedi and Ms. Usha Jamnal, Advocates, for UOI.
Mr. Manish Kumar, Mr. Sahil Bhatia and Mr. Divyansh Mishra, Advocates, for Respondent 2.

**CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR**

**JUDGMENT (ORAL)
13.05.2024**

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WP(C) 6449/2024

1. On 26 August 2010, the Directorate General of Training (DGT) granted affiliation, to the petitioner, for training four units each in the Electrician and Fitter Trades, of which one unit comprises of 20 seats, making a total of 160 seats. The petitioner institution is situated in the State of Bihar.

2. Certain intervening judicial developments took place, to which,



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for the limited purposes of the present order, it is not necessary to refer. Suffice it to state that during the months of August and September 2023, the petitioner started admitting trainees for the academic session 2023-2025, as one academic session comprises two years.

3. Learned counsel are *ad idem* that, as per the procedure which has to be followed, the State Directorate of Training uploads the figures of the number of trainees admitted by the ITI concerned on the NIMI Portal, which is operated by the State Directorate, but for which access has to be provided by the DGT. Once the State Directorate uploads the data of the number of trainees in the ITI concerned, if the requisite number of students having been admitted before the prescribed cut-off date, the State Directorate verifies the data of each of the trainees in each ITI within the State to ascertain whether they fulfil the basic eligibility criteria for admission against the respective trades and whether they were granted admission before the prescribed cut-off dates. In the event of any particular student or trainee falling short of these standards, the ITI concerned is intimated by the State Directorate, leaving the concerned student/trainees to avail appropriate remedies in law, if so advised. The data of the students who satisfied the requisite criteria and who have been admitted before the cut-off date is then transmitted online from the NIMI Portal by the State Directorate to the NCVT-MIS portal of the DGT. The DGT, after checking the verification of the data of the trainees/students by the State Directorate, provides the ITI concerned a user ID and password whereby the ITI is able to access its individual NCVT MIS portal. The



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ITI concerned thereafter uploads the data relating to the individual students on its NCVT-MIS portal whereupon the students who are eligible for appearing in the ensuing examinations are issued Hall Tickets/Admit Cards.

4. In the present case, the petitioner claims to have admitted the requisite number of 64 students for the electrician and fitter trades for the academic session 2023-25 and forwarded the data physically to the State Directorates in the State of Bihar. The NIMI Portal is stated to have been activated by the State Directorate for 3 days starting today and ending on 16 May 2024. In these circumstances, Mr. Sharawat, learned counsel for the petitioner, prays that directions may be issued firstly to the State Directorate to verify the data relating to the students/trainees admitted by the petitioner institution and upload the data on the NIMI portal; secondly, in respect of the eligible students, transmit the data online to the NCVT-MIS Portal of the DGT; thirdly, for the DGT to examine the data as forwarded by the State Directorate and, if so satisfied, provide the user-ID and password to the petitioner so that it could upload, on the petitioner's NCVT-MIS Portal, the data relating to the individual students who could thereafter be issued Admit Card/Hall Tickets to participate in the ensuing examinations.

5. It is also pointed out that similar directions have been issued by a Co-ordinate Bench of Purushaindra Kumar Kaurav J. in order dated 25 May 2023 in WP (C) 3187/2023 (*ITI Club of India v. DGT*) :

“1. At the outset, learned counsel appearing on behalf of the petitioner in WP(C) 3187/2023 submits that the petitioner represents 58 ITIs. He further undertakes to pay the court fees for 57 other members of petitioner-society by 26.05.2023. His



undertaking is taken on record. Let the court fees be paid on behalf of the said 57 members.

2. Learned counsel appearing on behalf of the petitioner(s) while taking this court through various communications indicates that each ITI has admitted the requisite number of students in respective branches as per the eligibility criteria before the cut-off date. According to him, on account of various reasons including non-activation of the portal to enable the ITIs to upload the relevant information, the students admitted by the ITIs are not being allowed to appear in their examinations. He, therefore, prays that, subject to appropriate verification, the data of each student admitted by the ITIs be allowed to be uploaded.

3. Learned counsel appearing on behalf of the respondent-Directorate General of Training (DGT) opposes the submissions and she states that repeated directions were given by the respondent-DGT to the petitioners to upload the relevant data. According to her, the specific directions were in place till November, 2022 and once the ITIs failed to upload the relevant data in time, no directions should be issued to allow them to upload any data at this point of time.

4. Learned counsel appearing on behalf of respondent- State Directorate, on instructions states that so far as the state of Bihar is concerned, the online portal remained open for uploading the data up till 30.10.2022.

5. Having considered the submissions made by learned counsel for the parties, it is seen that the only dispute to be adjudicated in this case is whether at this point of time, the ITIs should be allowed to upload the relevant data of the admitted students or not.

6. Since learned counsel for the petitioner(s) has taken a categorical stand that the students admitted by each ITI fulfil the basic eligibility criteria and they were admitted before the cut-off date, therefore, only on account of technical reasons, the students admitted by each ITI cannot be denied the chance to appear in their respective examinations.

7. It is for this reason this court finds it appropriate to direct the respondent-State Directorate to verify the data of each ITI as to whether the students admitted by the ITIs are fulfilling the basic eligibility criteria for their admission against their respective trades. Respondent-State Directorate will also satisfy itself with respect to the date of admission as to whether the same was



granted before the cut-off date.

8. Upon verification of the aforesaid aspect, let the respondent-State Directorate to intimate the petitioner-institutions as to how many students admitted by them are not approved. If in case, any student has any grievance, they would be entitled to raise it in accordance with law.

9. If the concerned DGT finds that the students admitted by the ITIs fulfils the basic eligibility criteria for their admission and they were admitted before the cut-off date, let appropriate directions be issued to enable the petitioner-institutions to upload the relevant date on the NIMI Portal.

10. Consequently, let appropriate steps be taken by respondent-DGT to activate the NIMI portal, enabling the petitioner-institutions to upload the data of admission of the students.

11. Needless to state that if the respondent-State Directorate approves the admission, upon activation of the said portal, respondent-State Directorate be enabled to migrate the data from NIMI Portal to NCVT MIS Portal.

12. Let the respondents to immediately notify the activation of NIMI Portal so that the petitioner-institutions can upload the data of the students for verification by the concerned respondent-State Directorate.

13. Depending upon the inquiry and the steps to be taken by the respondents, the eligible students be allowed to appear in the instant examinations.

14. Let the aforesaid exercise be conducted before 15.06.2023.

15. With the following directions, the instant petitions stand disposed of.”

6. Accordingly, this writ petition is disposed of in the following terms:

(i) The State Directorate of the State of Bihar is directed forthwith, and during the period the NIMI portal of State Directorate is operational, to verify the data relating to the 64 students/trainees in the electrician and fitter trades admitted by



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the petitioner institution and, in respect of the students who are eligible, forward the data online to the NCVT-MIS Portal of the DGT.

(ii) The DGT would, after perusing the said data forwarded by the State Directorate, issue a user ID and password to the petitioner.

7. The DGT is directed to proceed with the matter and provide the user ID and password to the petitioner as expeditiously as possible and, at any rate, on or before 31 May 2024.

8. The writ petition is disposed of in the above terms.

WP (C) No.4978/2024, WP (C) No.4981/2024 and WP (C) No.5001/2024

9. The institutions in these writ petitions are covered by order dated 18 August 2023 passed by Kaurav J. in WP (C) 10941/2023 (*ITI Club of India v. DGT*), which may be reproduced in *extenso* :

“1. Learned counsel appearing on behalf of the petitioner-association submits that earlier, the writ petition bearing W.P.(C) No.3187/2023 filed by the petitioner-association came to be decided by this Court *vide* order dated 25.05.2023. However, on account of some inadvertence, certain members of the petitioner-association were left out.

2. The list of the said left-out members of the petitioner association reads as under: -

Sl. No.	College Name	Institute PR Code
1.	SHAMS PVT ITI	



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		PR10001430
2.	GREATER PVT ITI	PR10000874
3.	NBIT PVT ITI	PR10000472
4.	GREATER PVT ITI	PU10001008
5.	MD HAROON PVT ITI	PR10000554
6.	RABINDRA SINGH RATHAUR PVT ITI	PR10000640
7.	RABINDRA SINGH RATHAUR PVT ITI	PR10000668
8.	MAHA LAXMI PVT ITI	PR10001432
9.	SAI PVT ITI	PR10000173
10.	UMA DEVI MEMORIAL PVT ITI	PR10000511
11.	VISHESHW AR PVT ITI JAMUI	PR10000743
12.	RAJPVTITI	PR10000953
13.	MANDAR PVT ITI	PR10000999
14.	SATY ABRAM PVT ITI	PR10000708
15.	SHIVSATYA PVT ITI	PR10000687
16.	DURGA PVT ITI	PR10000468
17.	JAI BABA BAIJNATH PVT ITI	PR10000427
18.	BAIJNARTH PVT ITI	PR10000320
19.	RAJOJIVAN PVT ITI	PU10001029
20.	TECHNOCRATS PVT ITI	PU10000971
21.	KRISHNA PRASAD PRIVATE ITI	PR10001140



3. Learned counsel appearing on behalf of the petitioner-association therefore submits that the said left out members filed an application in the disposed of matter which was disposed of by this court with liberty to the petitioner-association to file a fresh petition.

4. Accordingly, the instant petition has been filed by the petitioner-association.

5. The petitioner-association, *vide* the instant writ petition prays for the following reliefs:-

“[a] Issue a writ of mandamus and direct the Respondent No.1 and 2 to activate the NCVT-I\IIS and NII\II portal respectively and provide access to 21 members of the Petitioner to enable them to upload the data of the leftover trainees admitted by them for academic session 2022-24; and

[b] Issue a writ of mandamus and direct the Respondent No. 1 and 2 to take all consequential measures in ensuring that after uploading of the data of the leftover trainees the same is verified and migrated from NII\II portal to the NCVT-MIS portal.”

6. Learned counsel appearing on behalf of the respondents, however, submit that there is a doubt about the genuineness of the admissions granted by the petitioner-association; and therefore, unless an appropriate inquiry is directed to be conducted, the petitioner-association is not entitled for any relief.

7. This court finds that such an apprehension has already been taken care of while passing the final order on 25.05.2023 in WP(C) No.3187/2023. Paragraph no.7 of order the said order is reproduced as under:-

“7. It is for this reason this court finds it appropriate to direct the respondent-State Directorate to verify the data of each ITI as to whether the students admitted by the ITIs are fulfilling the basic eligibility criteria for their admission against their respective trades. Respondent-State Directorate will also satisfy itself with respect to the date of admission as to whether the same was granted before the cut-off date.

8. It is thus, seen that the left out members of the petitioner-



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association are also entitled for the same relief as has been granted *vide* order dated 25.05.2023 in WP(C) No.3187/2023.

9. The instant writ petition is, therefore, disposed of with a direction to apply the said order *mutatis mutandis* in the instant case also.”

10. The three writ petitioners in these writ petitions are the institutes at Serial Nos. 1 to 3 of the table in para 2 of the afore-extracted order dated 18 August 2023.

11. Mr. Sharawat submits that though ordinarily the verification of the Institutes by the State Directorate is to be made on the basis of documents, and there was no direction to the State Directorate to physically verify the institutions, the officers of the State Directorate nonetheless visited the institutions of the petitioners on a Saturday. He submits that the petitioners, in order to achieve a speedy resolution of the dispute are not seeking to join issue on whether the State Directorate ought to have conducted a physical inspection at all. Nonetheless, he submits that, as the inspection took place on a Saturday, the institution was largely non-functional, the workshops were closed and there were no students. He, therefore, prays that these writ petitions may be disposed of with a direction similar to those already passed hereinabove in respect of WP (C) 6449/2024 with liberty to the State Directorate to carry out an inspection of the petitioner’s premises during working hours on a working day.

12. Mr. Parihar, learned counsel for the State Directorate has no objection to this course of action.



13. Accordingly, these writ petitions are disposed of, with the same directions as have been recorded hereinabove in respect of WP (C) 6449/2024 and within the same time-frame. The Court is constrained to do so as the NIMI portal is open only for three days from today till 16 May 2024 and it may not be physically practicable for the State Directorate to carry out physical inspection of the petitioners' premises prior to that date. Mr. Sharawat submits that for the purposes of uploading the data of the students on the NIMI Portal and forwarding to the NCVT-MIS Portal of the DGT, the State Directorate is only required to verify the number of students who have been admitted which is always done on the basis of the data provided by the institution concerned. The power of inspection of the petitioner-institution otherwise to ascertain its infrastructure and facilities is independent and can be exercised at any other time but is never done before uploading the data of the eligible students by the State Directorate on the NIMI portal or forwarding it to the DGT on its NCVT-MIS Portal.

14. As such while maintaining the directions issued hereinabove in WP (C) 6449/2024 in respect of these three petitioners as well, the State Directorate is granted liberty, at any time thereafter, as per its convenience but on a working day during working hours, to visit the premises of the petitioners and satisfy itself regarding the data provided by the petitioners with respect to the number of students admitted by it.

15. These writ petitions stand disposed of in the aforesaid terms.



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WP (C) 5127/2024 and WP (C) 5128/2024

16. The only difference between these writ petitions and WP (C) 4978/2024, WP (C) 4981/2024 and WP (C) 5001/2024 is that the inspection of the petitioners' premises was conducted on a Tuesday. Though there is some dispute between the parties regarding the number of students who were available at the time of inspection, I do not deem it appropriate, in the fitness of things, to enter into that dispute. These writ petitions also stand disposed of in terms of the directions issued in WP (C) No.4978/2024, WP (C) No.4981/2024 and WP (C) No.5001/2024.

17. In other words, the State Directorate and the DGT would act in accordance with the time periods stipulated hereinabove with liberty to the State Directorate at any time thereafter to visit the premises of the petitioners during working hours on a working day and satisfy itself regarding the number of students whom the petitioner Institution claim to have admitted for the academic session 2023-2025.

18. These writ petitions are disposed of in the aforesaid terms with no orders as to costs.

C.HARI SHANKAR, J

MAY 13, 2024/yg

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