
(2005) 08 JH CK 0069
In the Jharkhand High Court
Case No : WP (C) No. 2536 of 2005

Birsa Skill Development Centre for Rural Mass	APPELLANT
Vs	
State of Jharkhand and Others	RESPONDENT

Date of Decision : 29-08-2005

Acts Referred:

Citation : AIR 2006 Jhar 62 : (2005) 4 JLJR 197 : (2005) 4 JCR 170 : (2006) 1 AIRJharR 782

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Ritu Kumar, R.K. Singh and Niki Sinha, for the Appellant; M.S. Akhtar, SC II, C.D. Singh, Central Government Counsel for respondent Nos. 5 and 6, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by petitioner, Birsa Skill Centre for Rural Mass for a direction on the respondents to issue Provisional National Trade Certificates to the students of petitioner Institute, who appeared in the examination for the Session 2001-03 and 2002-04, having been declared successful.

2. According to petitioner, it is an Industrial Training Institute (hereinafter referred to as the "Institute"), affiliated to the Directorate General of Employment and Training, New Delhi, Government of India. It imparts training to students and for the Certificate of Excellence, the examination conducted by Employment and Training Department, Government of Jharkhand, Ranchi, which also published the result and issues the Certificate to the successful candidates. Apart from imparting teaching and training, the petitioner-Institute has no role in conducting the examination or in giving certificates to the successful students.

3. The case of the petitioner is that the Institute, in question, was established in the year 1996 when provisional approval was granted by the Director, Employment and Training Department, Government of Bihar, Patna by letter No. 1376, dated 9th May, 1996. Approval was granted subject to recognition of the

National Council of Vocational Training (hereinafter referred to as "NCVT"), Government of India and the training course started since August, 1996. The petitioner Institute was inspected by members of the Sub-Committee of NCVT, New Delhi and on the basis of report, petitioner-Institute was affiliated vide letter No. DGET 12/1/99-TC dated 4th November, 1999.

Further case of the petitioner Institute is that NCVT after regular inspection and being satisfied, extended its affiliation from time to time, including the letter No. DGE & T-12/1/2001-TC dated 27th November, 2001. The standard of the petitioner Institute being good, number of units were also increased. One of the Inspections was made on 12th August, 2003, wherein no discrepancy having been found and the performance of the petitioner-Institute having been found very good, students of the petitioner-Institute were allowed to appear in the examination for the Session 2001-03, which was conducted by Director, Employment and Training Department, Government of Jharkhand, Ranchi in July, 2003. The names of the student were registered after proper verification and individual admit cards were issued to the students. The Controller of Examination, Labour, Employment and Training Department, Government of Jharkhand vide his letter No. 686, dated 23rd December, 2003, forwarded Form-C of the result as also blank Provisional National Trade Certificate format to the petitioner-Institute with a request to fill up the same and to fill up the marks of the candidates after proper verification and to return the formats after attesting the same. The petitioner-Institute immediately did the needful and sent the forms after proper attestation but the respondents have not issued the Provisional National Training Certificates to the successful students.

4. Similarly, in regard to the Session 2002-04, the students were allowed to appear in the examination conducted by Director, Employment and Training Department, Government of Jharkhand, Ranchi in July, 2004, of which result was published and list of failed students was forwarded on 16th January, 2005 but with regard to successful students, no steps have been taken to issue Provisional National Training Certificate.

5. The stand taken by 1st to 4th respondents is that the State of Jharkhand issued certificates to passed students in accordance with the permanent affiliation granted to different trade/units, under NCVT. If the affiliation is granted to different trade units, in such case, the Government of Jharkhand grant certificate under the category of SCVT to the passed students. It is stated that after inspection and report of DIR, the following units were granted affiliation by the Competent Body :

"1.I Electrician 1+0 Unit w.e.f. Aug-1999 0+1 Unit w.e.f. Aug-2001 2.I Fitter 1+1(Adl) w.e.f. Aug-2003 II Electrician 1 + 1(Adl) III Electronics 0+1 (Adl)

It is clarified that 1+1 Unit means one unit is allowed to appear in the examination and the other one unit is allowed to take admission. On the other hand, 0+1 unit means one unit is allowed to take admission and to appear in the

examination in alternate year.

From the said counter-affidavit, it appears that the students of the petitioner-Institute were permitted to appear in the examination on the basis of certain report. The Director of the petitioner-Institute vide letter dated 3rd July, 2003, in fact, requested to the Director, Employment and Training Department, Jharkhand, Ranchi to permit two and one unit of fitter, electrician and electronics respectively to appear in the examination held in July, 2003. It was allowed with the condition that if the affiliation is not granted in respect to increased strength, then the students of the petitioner-Institute will not be allowed to appear in the examination of the coming year. Examination was held on the basis of such request and result was published. Subsequently, vide letter No. 646, dated 23rd December, 2003, blank "C" Form and Form of provisional certificates were forwarded for being filled up by petitioner-Institute.

The case of 1st to 4th respondents is that as per the Inspection Report of the Standing Committee dated 9th November, 2002, affiliation was not granted to the petitioner-Institute. It was allowed after 23rd December, 2003 vide letter No. 6/4/7/99-TC dated 30th December, 2003 for Fitter 1 + 1 Unit, Electrician Trade 1 + 1 Unit and Electronics Mech. 1+0 Unit w.e.f. August, 2003. Due to above reasons, the duly filled provisional certificate of the petitioner-Institute had been cancelled.

6. Counsel for the petitioner relied on one or other letter issued by NCVT, New Delhi to suggest that the strength of Units was increased from time to time. From letter dated 4th November, 1999, it appears that the following Units were sanctioned :

Fitter 1+1 Unit Electrician Trade 1 Unit Electronics Mech. 1 Unit All w.e.f. August 1999

From the subsequent letter dated 27th November, 2003, it appears that one additional unit i.e., total 2 (1+1) in respect of Electrician Trade was sanctioned w.e.f. August, 2001. By another letter dated 30th December, 2003, it appears that additional 2 Units (1+1) in respect to Electrician Trade and additional 1 Unit of Electronics Mech. were sanctioned w.e.f. August, 2003.

7. The details of students, who appeared in one or other Trade in the examination held in July, 2003 and the examination held in July, 2004, have not been given to find out whether the students, who appeared in those examinations, were within the sanctioned Units of that particular session and thereby they are entitled for declaration of result and National Trade Certificate(s). In absence of such details, no finding can be given on merit nor any specific direction can be given on the respondents. However, taking into consideration the interest of the students, who appeared in one or other Trade Examination in July, 2003 and July, 2004, including their session in which they studied in the Institute, to the Director, Employment and Training Department, Government of Jharkhand, Ranchi, who may get the matter enquired. If it is

found that the students, who appeared in those examinations, were within the sanctioned strength (Units) of that particular session, in such case, the competent authority will issue Provisional National Trade Certificates/National Trade Certificate to such students, who come within the sanctioned strength (Unit). If one or other student of a particular session belonging to a particular Trade do not come within the sanctioned strength (Unit), the competent authority will inform the same to the Director of the Petitioner-Institute within a period of six weeks from the date of receipt of details of students.

8. This writ petition stands disposed of, with the aforesaid observations/directions.