

(2014) 02 KAR CK 0036

In the Karnataka High Court

Case No : Writ Petition No's. 8900 and 9113-9155 of 2014 (Edn-Ex)

Divya Jyothi Industrial Training Center

APPELLANT

Vs

The Director, The Joint Director and State of Karnataka

RESPONDENT

Date of Decision : 21-02-2014

Acts Referred:

Citation : (2014) 02 KAR CK 0036

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : N. Amaresh, for the Appellant; R. Omkumar, Additional Government Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Anand Byrareddy, J.—The petition coming on for orders is considered for final disposal as the interim prayer and the main prayer are one and the same.

The Government Pleader is directed to take notice to respondents. The petitioner is an Industrial Training Institute, affiliated to the National Council for Vocational Training. The affiliation is said to be granted in the year 2009. The petitioner claims that details have been furnished insofar as the students studying in the I year Industrial Training Certificate Course in the discipline of Electronics and who were admitted to the course in the month of July-August 2013, which are as follows:--

The petitioner had submitted the list of students for approval as per the norms on 4.9.2013. It is alleged that the respondents had delayed in considering the grant of approval and it was ultimately granted only on 9.1.2014. In the meanwhile, added to the petitioner's difficulties, the policy as regards the examination pattern was changed by the State Government and semester system was introduced. A notification was issued on 3.10.2013 directing the training institutions to abide by certain instructions and as per the same, the last date for payment of the examination fee was 26.10.2013 and that it could be

paid with fine up to 6.12.2013. It is claimed that there was delay on the part of the respondents in approving the list of students. The petitioner repeatedly requested the respondents to permit them to fill the examination fee on 28.1.2014. There was no response. Therefore, the petitioner had again addressed another letter dated 12.2.2014. The principal of the institution has been repeatedly approaching the respondent - department, which was to no avail, as the respondents failed to show any positive response. The Practical tests are said have been held between 5.2.2014 and 8.2.2014 and the Theory Paper is scheduled to be held on 25.2.2013 and 26.2.2014. Therefore, the petitioner is before this court claiming that the future and career of the students of the petitioner is at stake and seeks a direction to the respondents to reconsider their case and to accept the examination fee of the students listed at Serial Nos. 1 to 43 in the tabular form above and permit them to appear in the All India Trade Test Theory Paper -I and II scheduled to be held on 25.2.2014 and 26.2.2014.

2. The learned Government Advocate would submit that admittedly, the petitioner was to be intimated of the change in the pattern of examination in October 2013 and there is no explanation forthcoming as to the delay on the part of the respondents in having taken timely action in complying with the instructions furnished and therefore, any consideration of the present petition and any relief granted, would seriously upset the working of the respondents, who are hard put to comply with the directions issued in respect of the examinations to be held on 25th and 26th February 2014. It is no doubt that the respondents would be put to inconvenience and hardship and the explanation offered by the petitioner does not evoke confidence of this court, since the interest of the students is at stake and they would suffer on account of no fault of theirs, it is appropriate that the respondents are directed to accept the examination fees and to place the petitioner on such conditional terms, as it deems fit. Further, the petitioner shall deposit a sum of Rs. 10,000/- in addition to the examination fees that is payable. The same shall be complied with expedition in view of the short period that is available to accommodate the students of the petitioner - Institution.

The petitions stand disposed of.

A copy of this order to be furnished to the learned Government Pleader in order to enable the respondents to comply.