

IN THE HIGH COURT OF ORISSA; CUTTACK  
(ORIGINAL JURISDICTION CASE)



W.P. (C) NO. 2022 OF 2014

Code No. 010103

IN THE MATTER OF:

An application under Articles 226 and 227 of the  
Constitution of India;

A N D

IN THE MATTER OF:

Presented In Court  
B.O.

An application relating to the fixation of  
examination centers for holding the practical  
examination in respect of Craftsmanship Course  
February, 2014;

A N D

IN THE MATTER OF:

State Private Industrial Training Centers Association (SPITIA)  
Odisha, represented through  
its General Secretary Sri Arun Kumar Nayak,  
aged about 37 years, S/o. Rama Chandra Nayak,  
At-Hotel Janpath Complex, Bapuji Nagar,  
Bhubaneswar, Dist. Khurda.

Petitioner.

Vrs.

1. State of Orissa, represented through its  
Commissioner-cum-Secretary, Employment and  
Technical Education and Training Department,  
Orissa Secretariat, Bhubaneswar, Dist. Khurda.

21-01-14  
MISHRA  
CUTTACK TOWN  
HA, Regd. No-21/03



2. Director of Technical Education and Training,  
Odisha, Cuttack, At-Killa Maidan, Town & Dist. Cuttack.
3. State Council of Technical Education and Vocational Training,  
Odisha, represented through Vice-Chairman, Near Governor's  
House, Bhubaneswar, Dist. Khurda.

... Opp. Parties.

The matter out of which this writ application arises was





Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
6	06.03.2014	<p>Heard learned counsel for the petitioner, learned Addl. Government Advocate and Mr.B.Das, learned counsel appearing on behalf of opposite party No.3.</p> <p>The petitioner as the Secretary of State Private Industrial Training Centres Association has filed the writ petition challenging the action of the opposite parties in fixing the centre for practical examination in respect of Craftsmanship Course, 2014 in the tag centre instead of its own respective institutions.</p> <p>It is contended in the writ petition that the petitioners have no grievance so far as the selection of trade test centres for theory papers. So far as the practical examination is concerned, it is not possible for the trainees to appear the practical test in the tagged centres for the reason that those centres do not have adequate infrastructures facility including the tools and machineries which are the minimum requirement for conducting practical examination to accommodate large number of trainees of different ITCs in the said tag centre. Last year the petitioner Association has also approached this Court in W.P.(C) No. 15365 of 2013 regarding irregularity in declaration of Trade Testing Centres and considering the same this Court set aside the decision of the opposite party Nos. 2 and 3 as that violates the guideline stipulated in the Training Manual.</p> <p>It is further contended by the petitioners that the opposite parties have prepared a schedule to conduct practical test for a period of five days and one set of question paper shall be utilized for the purpose. In such event once question paper will leak on the first date the trainees who will appear the practical test on the subsequent dates get advantage than the trainees appeared on the first date. Therefore, the said decision being illegal and unreasonable needs to be interfered with.</p> <p>In addition to the preliminary counter affidavit the opposite</p>	

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Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
		<p>party No.3 has filed a further affidavit today in Court and it is contended that there is no prohibition to use the same question paper for five days with regard to practical test for different batch of trainees. The practical test is conducted to evaluate the skill competency of a trainee on the basis of practical job submitted and the said evaluation is not on the basis of maintenance of record and viva-voce test and as the evaluation was carried out by external examiner the trainees will not face any difficulty.</p> <p>Considering the above and taking into consideration that in case the question circulated on the first day of the practical test the same will be available to the trainees to appear the practical test on the subsequent days. The trainees who will appear practical on the subsequent day do better in the test as it will easier for them to do some practice knowing the question to be faced by them in the test. Therefore, the notification dated 15.10.2013 under Annexure-4 so far as practical of the tagged ITIs/ITCs to be conducted at Trade Testing Centre to which those are tagged, this Court sets aside the said decision of the opposite parties and directs them to allow the trainees to appear the practical test in their respective institutions having facilities of all equipments required for such test. The opposite parties will depute the external examiner to all such centres.</p> <p>Accordingly the writ petition is disposed of.</p> <p>Urgent certified copy of the order be granted on proper application.</p> <p>A free copy of the order be supplied to Mr.Das for compliance of the order.</p>	

sd/-s. Panda, J.

comp. by: 70  
7-3-14



Date of Application : 2-10-14  
 Date of Notification : 20-11-14  
 Date of Supply : 2-12-14  
 Date of Ready : 2-12-14  
 Date of Delivery : 2-2-15

CA-18/66/14

### MEMO OF COSTS

	Rs.	P.
Application Fee.....	5	50
Searching Fee.....	—	—
Extra Fee for Urgency.	3	00
Folios 4 Pages.....	10	00
Hologram Fees (4).....	4	00
Other items if any.....	2	60
Total	25	10

(Rupees Twenty Five & Paise Ten only)

09/03/14  
 ASST. EXAMINER OF COPIES  
 CUM SUPERINTENDENT  
 COPYING DEPARTMENT



**CERTIFIED TO BE A TRUE COPY**  
 7.3.2014  
 Assistant Registrar (Estt.)  
 ORISSA HIGH COURT  
 Authorised Under Section-73, Act-I of 1872