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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 27<sup>th</sup> February, 2023*

+ **W.P.(C) 2441/2023 & CM APPL. 9343/2023**  
DECCAN MANAGEMENT CONSULTANTS FINISHING  
SCHOOLS SKILL FOUNDATION ..... Petitioner

Through: Mr. S.K. Gupta, Advocate

versus

UNION OF INDIA & ORS. .... Respondents

Through: Mr. Anil Soni, CGSC with Mr.  
Devvrat Yadav, Advocate for UOI (M-  
8285815626)

WITH

+ **W.P.(C) 2442/2023 & CM APPL. 9344/2023**  
BSA CORPORATION LTD ..... Petitioner

Through: Mr. S.K. Gupta, Advocate

versus

UNION OF INDIA & ORS. .... Respondents

Through: Mr. Anil Soni, CGSC with Mr.  
Devvrat Yadav, Advocate for UOI.

AND

+ **W.P.(C) 2450/2023 & CM APPL. 9543/2023**  
YASHASWI ACADEMY FOR SKILLS ..... Petitioner

Through: Mr. S.K. Gupta, Advocate

versus

UNION OF INDIA & ORS. .... Respondents

Through: Mr. Anil Soni, CGSC with Mr.  
Devvrat Yadav, Advocate for UOI.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J.(Oral)**

1. This hearing has been done through hybrid mode.
2. These petitions have been filed by the agents who have been appointed under the National Employability Enhancement Mission (NEEM) which was floated by the All India Council for Technical Education (AICTE) by a

Gazette notification dated 15<sup>th</sup> April, 2013. Under the said mission, various agents were appointed for imparting and increasing the employability of persons. Several agents were appointed under the said scheme including all the Petitioners.

3. The Petitioners in the present cases were appointed as agents under the All India Council for Technical Education (National Employability Enhancement Mission (NEEM) Regulation, 2013. The Central Government took a decision on 23<sup>rd</sup> December, 2022 to discontinue the said scheme with immediate effect. The said order reads as under:

*“Subject: National Employability Enhancement Scheme (NEEM) - regarding*

*Sir.*

*I am directed to refer to AICTE letter F. No. 3-1/D-SDC/NEEM/2021 dated 11.08.2022 regarding revised draft NEEM guidelines forwarded to the Ministry for consideration and to convey that it has been decided to discontinue the Scheme with immediate effect.*

*2. In light of the above, AICTE is requested to close the above scheme with immediate effect.”*

This order has been challenged by the Petitioners who are the NEEM agents.

4. A perusal of the impugned order dated 23<sup>rd</sup> December, 2022 would show that as per the said communicated NEEM had been discontinued *with immediate effect*. A similar issue was raised in ***W.P.(C) 1589/2023*** titled ***‘Team Lease Education Foundation v. Union of India and Ors.’*** in which vide order dated 7<sup>th</sup> February, 2023, the interim protection was granted to one of the agents register under NEEM. The relevant portion of the said order reads as under:

“xxx                      xxx                      xxx

3.        *The Petitioner challenges the above decision of the Respondents to discontinue the NEEM scheme and the resulting letter dated 23<sup>rd</sup> December, 2022.*

4.        *The case of the Petitioner is that under the NEEM scheme, which was notified on 15<sup>th</sup> April, 2013, in the Gazette of India, training is imparted to students in various skills to enable them to secure employment. The purpose of the NEEM Scheme is to facilitate upskilling and make Indian youth ready for employment in various industries.*

5.        *The case of the Petitioner is that in view of the impugned order/letter, as per the Petitioner, more than 26,000 students who are receiving training would be impacted. Considering the large scale impact of the impugned letter dated 23<sup>rd</sup> December, 2022, Mr. Anil Soni, ld. Counsel would seek instructions in the matter.*

6.        *In the meantime, it is made clear that the Petitioner shall make no fresh admissions. However, considering the fact that the NEEM Scheme has been in operation for the last decade or so, the sudden stoppage of the scheme could result in adverse impact on those who are already enrolled. Accordingly, the students currently enrolled with the Petitioner shall continue to receive the training as also any certifications that would otherwise have been given to them under the NEEM Scheme.*

7.        *The Court also directs a responsible official from the concerned Ministry to remain present in Court on the next date of hearing.”*

5.        Mr. Anil Soni, ld. CGSC and the Standing Counsel for AICTE submits that, after the above order passed by this Court, a clarification has been issued by the AICTE on 27<sup>th</sup> February, 2023 vide letter no. F.No. 3-1/SDC/NEEM/2021 to the following effect:

**“F.No.3-1/SDC/NEEM/2021**

**Dated: 27.02.2023**

**CLARIFICATION**

*In Continuation of the AICTE’s mail dated January 03, 2023, regarding closure of NEEM Scheme (MoE letter No. 36 27/2018, NVEQF dated 23<sup>rd</sup> December, 2022). It is informed that no fresh admission will be carried out after discontinuation of the Scheme w.e.f 23<sup>rd</sup> December,2022. **However, the students enrolled under the National Employability Enhancement Mission (NEEM) on or before 23<sup>rd</sup> December, 2022 shall continue to receive training and certification under the NEEM Scheme till completion of their training period. This issues with approval of the Competent Authority.**”*

6. The concern of this Court was that while there can be no doubt that a scheme cannot be continued indefinitely by the Government, the sudden discontinuance of the scheme with immediate effect would have a bearing and an adverse impact on students who may have been already enrolled during the operation of the scheme. It was in this context that the order dated 7<sup>th</sup> February, 2023 was passed by this Court.

7. The clarification issued today clearly states that only fresh admissions would be stopped with effect from 23<sup>rd</sup> December, 2022. The students who have been enrolled prior to the said date would continue to receive the training and certification under the NEEM scheme till completion of the training period.

8. Mr. Gupta, Id. Counsel submits that all NEEM agents were communicated the order dated 23<sup>rd</sup> December, 2022 on 3<sup>rd</sup> January, 2023.

9. Accordingly, this Court is of the opinion that in terms of the

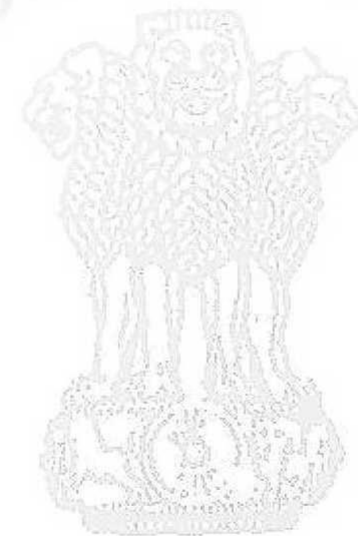
clarification, all the Petitioners would be permitted to impart training to such students who have been enrolled prior to 4<sup>th</sup> January, 202 and also issue respective certifications. With effect from 4<sup>th</sup> January, 2023, no further enrolments would be permissible by any of the Petitioners.

10. The petitions are disposed of in these terms. All pending applications are also disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**FEBRUARY 27, 2023**

*Rahul/am*



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