

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.14875 of 2026
Reserved on :09.09.2026
Date of Decision: 14 .9.2026

Abhilashi University

.....Petitioner

Versus

Union of India and Ors.

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? Yes.

For the Petitioner:

Mr. K.D. Shreedhar, Senior Advocate with Ms. Sneh Bhimta, Advocate.

For the Respondents:

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondents No. 1, 3 and 4.

Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Sandeep Sharma, Judge :

Petitioner herein, which is a private State University established in the State of Himachal Pradesh as per the Abhilashi University (Establishment and Regulation) Act, 2014, enacted by the State of Himachal Pradesh, is aggrieved of communications dated 08.05.2026 and 11.05.2026, whereby directions came to be issued to the petitioner as well as respondent-State to make admission to the

academic course of Bachelor of Veterinary Science and Animal Husbandry (hereinafter referred to as the “B.V.Sc. & A.H.”) courses for 2026-2027 on the basis of merit of NEET and centralized counselling, has approached this Court in the instant proceedings filed under Article 226 of Constitution of India, praying therein for the following reliefs:

“A. That the impugned correspondences dated 08-05-2026 & 11-05-2026 may kindly be set aside as being illegal to the extent they make NEET merit the basis for admissions in BVSc & AH course.

B. That the public notice dated 08-02-2026 may kindly be read down so far as it relates to or operates upon the petitioner university.

C. That the respondents may kindly be directed to allow the petitioner to make admissions in BVSc & AH course with intake of 80 seats by conducting the examination by the petitioner university i.e. (AUPVET) and counselling be allowed to be done on the basis of AUPVET at the level of the petitioner university level itself, till the time a competitive entrance test is conducted by the state government or the VCI in future.”

2. Quintessential facts, as emerge from the pleadings as well as documents adduced on record by the parties to lis, are that petitioner-University, which is a private State University, vide proposal dated 25.07.2023 applied to the State Government for issuance of Essentiality Certificate and No Objection Certificate for establishing a

new School of Veterinary Sciences for offering degree course of B.V.Sc. & A.H. with intake of 80 seats at its campus. The State Government issued both the Essentiality Certificate and No Objection Certificate dated 11.08.2023.

3. In order to start any course related to veterinary sciences, necessary Letter of Intent and Letter of Permission are granted by the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India, based on the recommendation of respondent No.3-Veterinary Council of India (in short the "VCI"). The minimum standards for imparting veterinary education in India are governed under the Veterinary Council of India Minimum Standards of Veterinary Education (Bachelor of Veterinary Science and Animal Husbandry Degree Course) Regulations, 2016 (herein after referred to as the "MSVE Regulations, 2016").

4. Clause 7(1) of the aforesaid Regulations provides that selection of students for admission to B.V.Sc. & A.H. Course in Government or private colleges shall only be on the basis of merit through a competitive entrance examination conducted by University or State Government or Veterinary Council of India to achieve uniform evaluation. Clause 7(3) provides that admission of students to B.V.Sc. & A.H. degree course shall be made only on the basis of his or her

merit in the competitive examination and no other merit or weightage shall be considered for admission to the aforesaid course.

5. Vide communication/application dated 30.08.2023, petitioner applied for Letter of Permission for starting the B.V.Sc. & A.H. course with 80 seats for the academic session 2024-2025. Though respondents, including Veterinary Council of India, conducted inspection of the petitioner-institute twice and recommended the same for Letter of Permission, but since necessary permission was not granted, it was compelled to approach this Court by way of CWP No. 4482 of 2024, which came to be allowed vide judgment dated 25.07.2024 passed by this Court (Annexure P-2). Pursuant to directions contained in the aforesaid judgment, petitioner-University was granted Letter of Permission vide letter dated 28.10.2024.

6. On 15.01.2026, petitioner applied for renewal of Letter of Permission for academic session (3rd and 4th) as per Rule 9 of Rules of 2017 and such permission was granted vide correspondence dated 15.01.2026 (Annexure P-3).

7. Since no steps were being taken by the VCI or State of Himachal Pradesh to conduct the competitive examination for admission in B.V.Sc. & A.H. courses for academic session 2026-2027, petitioner requested the VCI to permit it to admit the students

on the basis of its entrance examination, i.e., AUPVET, as was being conducted by it since 2016.

8. Since no response was received from the VCI, petitioner proceeded to issue admission notice dated 06.04.2026 (Annexure P-7) and invited applications for admission to B.V.Sc. & A.H. course in petitioner-University through competitive entrance test conducted by petitioner under the name of AUPVET-2026.

9. Vide impugned communications dated 08.05.2026 and 11.05.2026, VCI directed the State Government to follow the mandate of MSVE Regulations, 2016 and conduct a competitive entrance test for admission of students in B.V.Sc. & A.H. in petitioner-University and to also conduct a centralized counselling as per result of such competitive entrance test for academic session 2026-2027. However, while issuing aforesaid directions, VCI observed that alternatively, the State Government may make admission in the said course as per NEET-UG qualified merit list by holding centralized counselling based on NEET result.

10. Vide communication dated 23.05.2026, petitioner again requested respondents No. 1 and 2 to permit it to admit the students in B.V.Sc. & A.H. courses in academic session 2026-2027 on the basis of entrance examination as was conducted by the petitioner in the past. It specifically came to be mentioned in the aforesaid

communication by the petitioner that since the State Government, despite direction of the VCI, is not holding any competitive entrance test for admission to the said course, it may be permitted to conduct the test (Annexure P-9), however, no response to the aforesaid communication was received and as such, vide communication dated 22.07.2026, petitioner again requested the VCI to allow it to make admission as per its own entrance test and counselling for B.V.Sc. & A.H. course for session 2026-2027 (Annexure P-10). Since no favourable response was received, petitioner has approached this Court in the instant proceedings, praying therein for reliefs as have been reproduced hereinabove.

11. Pursuant to directions issued by this Court, respondents No. 4 and 5 filed their replies, wherein facts as have been noted hereinabove have not been disputed, rather an attempt has been made to refute the claim of the petitioner on the ground that Executive Committee of VCI in its 136th meeting held on 15.04.2025 decided that State Governments having veterinary colleges shall be advised that each State shall conduct centralized counselling at their own level of constituent veterinary colleges for admission to B.V.Sc. & A.H. degree courses against 85% quota as well as management/State quota in private veterinary colleges. It also came to be decided in the aforesaid meeting that if the merit of NEET-UG is being used for

admission, then only qualified NEET-UG merit list shall be used for admission to B.V.Sc. & A.H. degree course and admissions made from unqualified NEET-UG merit list may not be considered for valid admission (Annexure R-1).

12. It is also stated in the reply that Secretary of VCI vide letter dated 30.04.2025 (Annexure R-2), conveyed the decision of Executive Committee of VCI to the Principal Secretary, Animal Husbandry Department (all States/UT Governments), Vice Chancellors, all Agricultural/Veterinary Universities/ Universities having the faculties of Veterinary Science, Registrars, all Agricultural/Veterinary Universities/Universities having the faculties of Veterinary Sciences, Deans/Associate Deans and all Veterinary Colleges to comply with the decision taken in the meeting of the Executive Committee of the VCI on 15.04.2025.

13. In nutshell, case of respondents is that since the State Government has decided to admit students in the courses concerned on the basis of NEET-UG merit list, coupled with the fact that admission to B.V.Sc. & A.H. degree has already been made in one of the State Universities located in District Kangra on the basis of NEET-UG merit list, petitioner herein cannot be permitted to conduct examination.

14. Veterinary Council of India in its reply has categorically stated that Regulations are statutory in nature and are mandatory, which are required to be followed in letter and spirit by all the Universities and Veterinary Colleges/institutions imparting veterinary education for the purpose of recognition of their qualifications.

15. Though it has been admitted in the reply that in terms of Clause 7 of VCI Regulations, 2016, competitive entrance examination is required to be conducted for admission to the B.V.Sc. & A.H. course and such test can either be conducted by State or Veterinary Council or University, but to justify its decision thereby permitting the State as well as other Veterinary Colleges to admit students in B.V.Sc. & A.H. course on the basis of NEET-UG merit list, it has been attempted to state that same has been permitted to achieve uniform evaluation. It is further stated in the reply filed by the VCI that in the Information Bulletin of NEET-UG 2026, it has been already mentioned that NEET-UG 2026 data will also be used for admission to B.V.Sc. & A.H. course under the 15% quota of VCI in recognized Veterinary Colleges.

16. Respondent-State has simply stated that on account of instructions issued by VCI, whereby it has been permitted to admit students in courses on the basis of NEET-UG merit list, necessity was not felt to conduct the competitive examination/entrance test.

17. I have heard the learned counsel for the parties and carefully gone through the records of the case.

18. Precisely, the grouse of petitioner, as has been highlighted in grounds of petition and further canvassed by Mr. K.D. Shreedhar, learned Senior Advocate duly assisted by Ms. Sneh Bhimta, Advocate, is that VCI could not have issued impugned communications, thereby permitting the respondent-State and other Universities having the facility to conduct veterinary courses to admit students in the course concerned on the basis of NEET-UG merit list.

19. Mr. Shreedhar, learned Senior Advocate, invited attention of this Court to relevant provisions of MSVE Regulations, 2016 to state that there is no provision, which permits VCI, State Government as well as University to admit students in the courses concerned on the basis of NEET-UG merit list, rather a competitive entrance test is required to be conducted by the VCI or State or University. He submitted that till the time Clause 7(1) of Regulations of 2016 is not amended, no authority, if any vests in VCI, to issue instructions to the respondent-State as well as other Universities imparting education in the discipline of Veterinary Sciences to admit students in the courses concerned on the basis of NEET-UG merit list. He further submitted that NEET-UG entrance examination is not conducted for admission to B.V.Sc. & A.H. degree, rather same is conducted for MBBS, BDS,

BAMS, BUMS, BSMS and BHMS courses. He submitted that even to include BDS courses, Section 10-D came to be incorporated in the Dentists Act, 1948, but in the instant case, no amendment has been carried out either in the Veterinary Council Act, 1984 (for brevity, VCI Act) or MSVE Regulations, as required under law. He also invited attention of this Court to Sections 22 and 66 of VCI Act to submit that procedure for admission can only be changed or modified by amending the MSVE Regulations, 2016 suitably, following due procedure under Section 66(3) of VCI Act, 1984. He vehemently argued that any circular, guidelines or instructions issued by the VCI in that regard cannot override the provisions of MSVE Regulations and as such, petitioner-University, which is a creation of Statute, should be allowed to conduct its competitive entrance examination on pan-India basis, as was otherwise being done earlier and admit students in accordance with the merit list prepared on the basis of such examination.

20. To the contrary, Mr. Balram Sharma, learned Deputy Solicitor General of India while putting in appearance on behalf of Union of India and Veterinary Council of India, submitted that VCI is making its best endeavours to adhere to the guidelines of MSVE Regulations, 2016, more particularly Regulation 7 thereof, to regulate admission to B.V.Sc. & A.H. degree courses imparted in different

Veterinary Colleges in the Country. He submitted that though States were requested to conduct a competitive entrance examination and prepare merit list for admission to the aforesaid course in different Veterinary Colleges, but since same could not materialize, VCI, keeping in mind the sanctity and transparency of admission to the aforesaid course in different Veterinary Colleges in the country, suggested vide impugned communication to the State Government as well as Universities to admit the students from the qualified merit list of NEET-UG examination, which is a centralized entrance examination conducted by a National Testing Agency (NTA), an expert body in the field. He submitted that there is no illegality in admitting the students from the merit list of NEET-UG examination conducted by the NTA. However, he fairly admitted that till date, no steps have been taken by the VCI with regard to amendment of the relevant provisions of MSVE Regulations to admit the students from NEET-UG merit list.

21. In support of his aforesaid contentions, Mr. Balram placed heavy reliance upon judgment dated 16.10.2025 passed by High Court of Punjab and Haryana in CWP No. 30901 of 2025, titled ***M.R. Rural Education Society v. Union of India and others***, wherein petitioner-institution challenged the direction requiring it to admit students on the basis of NEET-UG merit list and the aforesaid

High Court upheld the direction of VCI to admit students to B.V.Sc. & A.H. course on the basis of NEET-UG merit list.

22. To the contrary, Mr. K.D. Shreedhar, learned Senior Advocate representing the petitioner, referred to the interim order dated 21.08.2026 passed by High Court of Orissa at Cuttack in W.P.(C) No. 25663 of 2026, titled ***Siksha 'O' Anusandhan, Bhubaneswar v. Veterinary Council of India***, wherein High Court of Orissa at Cuttack while distinguishing judgment of High Court of Punjab and Haryana passed an interim order, thereby ordering that communications, which are pari materia to impugned communications herein, shall be kept in abeyance as well as petitioner University concerned till the next date.

23. Mr. Rajan Kahol, learned Additional Advocate General, also made submissions on similar lines as have been made by learned Deputy Solicitor General of India.

24. Before ascertaining the correctness of rival submissions made on behalf of parties to lis, this Court finds that though there is no specific denial on behalf of the respondents, especially VCI, that in terms of relevant provisions, admissions to veterinary courses are governed by the provisions of MSVE Regulations, 2016. Regulation 7 of the aforesaid Regulations reads as under:

"7. Selection of students - (1) The selection of students for admission to Bachelor of Veterinary Designation: Senior

Stenographer Location: High Court of Orissa, Cuttack Date: 22-Aug-2026 15:51:31 Science and Animal Husbandry Degree Course in Government or Private Colleges shall only be on the basis of merit through a competitive entrance examination conducted by University or State Government or Veterinary Council of India to achieve a uniform evaluation, as there may be variation among students at qualifying examinations conducted by different agencies and reservation policy shall be as per Government of India for Veterinary Council of India seats and for States as per their reservation policy.

(2) To be eligible for competitive entrance examination, a candidate shall have to pass any of the qualifying examinations as enumerated under the head, "Admission to Bachelor of Veterinary Science and Animal Husbandry Degree Course" specified under regulation 6.

(3) A candidate under General Category for admission to the Bachelor of Veterinary Science and Animal Husbandry degree course shall have to qualify in each of the subjects of English, Physics, Chemistry and Biology, and obtained 50% marks in aggregate of these subjects, at the qualifying examination and admission of students to B.V.Sc. and A.H. degree course shall be made only on the basis of his or her merit in the competitive entrance examination and no other merit or weightage shall be considered for admission to Bachelor of Veterinary Science and Animal Husbandry degree course.

(4) In respect of candidates belonging to the Scheduled Castes or the Scheduled Tribes or other special category of students as specified by the Government from time to time, marks required for admission shall be 5% less than that prescribed for general category i.e. 47.5 % and where the seats reserved for the Scheduled Caste and the Scheduled Tribes students in any State cannot be filled for want of

requisite number of candidates fulfilling the minimum requirement prescribed from that State, then such vacancies shall be filled up on all India basis with students belonging to the Scheduled Castes and Scheduled Tribes obtaining not less than the minimum prescribed pass percentage.

(5) The students who are educated abroad seeking admission in veterinary colleges in India should have passed the subjects of Physics, Chemistry, Biology or Biotechnology and English up to the 12th Standard level with 50% marks in aggregate of these subjects.

(6) Sponsored candidates shall have to qualify the admission procedures as laid down for the students under general category.

(7) Admission of candidates to Bachelor of Veterinary Science and Animal Husbandry degree course under bilateral exchange programme shall be regulated by Veterinary Council of India or on recommendation of Government of India.

(8) 15% of the total number of seats of each recognised veterinary college which is included in the First Schedule of the Act shall be reserved and filled on an all India basis through Common Entrance Examination and seats for the candidates belonging to Schedule Caste or Schedule Tribes or Physically handicapped or Other backward classes against said 15% quota of Veterinary Council of India shall be reserved to be filled up as per Government of India Policy.

(9) The candidates selected through this examination shall be admitted in various recognised veterinary colleges as per the eligibility criteria prescribed in these regulations only and the last date for reporting of these candidates to the allotted University or Veterinary Institution shall be 15th September of that year irrespective of the closing date of admission of that University or Veterinary Institution for that year, if earlier, the

vacant seats may be filled by the veterinary college or university by 30th September which shall be the final cut-off date for the admission and thereafter no admission shall be made.

(10) A candidate shall not be allowed admission to Bachelor of Veterinary Science and Animal Husbandry degree course including those admitted under 15% reserved quota of Veterinary Council of India if he or she suffers the following disabilities, namely:

- (a) disability of total body including disability of chest or spine more than 50%,
- (b) disability of lower limb of more than 50%,
- (c) disability of upper limb,
- (d) visually handicapped candidates and those with hearing disability,
- (e) candidates with progressive diseases like myopathies etc.
- (f) disabilities which otherwise would interfere in the performance of the duties of a veterinarian.

(11) The disability shall be certified by a duly constituted and Government authorized Medical Board comprising of at least three specialists out of which two shall be of the specialty concerned and the candidate has to present him or her-self before the Medical Board and the last valid disability certificate of the candidate from a Medical Board shall not be more than three months old from the date of submitting his or her certificate for disabled candidates.

(12) After the final admissions, each Veterinary college shall submit the details of the students admitted in the first professional of BVSc and AH programme and similarly the list of students who pass out shall also be submitted to the Veterinary Council of India.”

25. It is ample clear from the aforesaid Regulations that selection of students for admission to B.V.Sc & A.H. course in Government or Private Colleges shall only be made on the basis of merit through a competitive entrance examination conducted by University, State Government or Veterinary Council of India to achieve uniform evaluation. It is also not in dispute that the aforesaid Regulations have not been amended till date. It is also not in dispute that even in previous academic sessions (2025-26), admissions were granted to the aforesaid courses on the basis of competitive examination conducted by the petitioner-University.

26. It is also apt to take note of proceedings of meeting held on 17.05.2025, where issue with regard to admission to B.V.Sc. & A.H. degree programme by Veterinary Colleges through a centralized counselling system came to be discussed. Following observations were made in such meeting:

- “1. VCI Regulations 2016 allows admission to Veterinary courses on the basis of merit based on the NEET/ Centrally conducted entrance test conducted by respective states/ entrance exams conducted by the concerned universities. In absence of any state level entrance exam, all three universities are conducting their own all India basis entrance tests admitting students on the basis of merit from that list.
2. As such all three universities comply with VCI Regulations, 2016.

3. All three universities also admitting students based on NEET score.

4. As the admission process is already midway, it is not feasible to introduce any deviation at this stage. Moreover, the Veterinary Council of India (VCI) has not yet amended its 2016 Regulations in this regard.

5. Hence, it was opined to go ahead with the existing practice (as per VCI Regulations, 2016) for this academic session 2025-26. Any amendments to the procedure, if made by VCI or GOI, may be implemented w.e.f. academic year 2026-27."

27. Careful perusal of the aforesaid observations reveals that issue with regard to admission by Universities on the basis of NEET score also came to be discussed. However, Council arrived at a conclusion that it is not feasible to introduce any deviation at this stage, especially when Veterinary Council of India has not yet amended its Regulations. In the aforesaid meeting, it was opined that admission to the courses may be done as per existing practice for academic session 2025-2026 and any amendments to the procedure, if made by VCI or Government of India, may be implemented with effect from academic year 2026-2027.

28. Though it appears from the aforesaid decision taken in meeting dated 17.05.2025 that necessity was felt to amend the VCI Regulations with a view to incorporate that admission shall be made on the basis of merit based on NEET/centrally conducted entrance test, but no amendment to the procedure as prescribed under

Regulations of 2016 ever came to be carried out. At this stage, it would also be apt to take note of Section 22 of VCI Act, which prescribes minimum standards of veterinary education and reads as under:

"22 Minimum standards of veterinary education.

(1) The Council may, by regulations, specify the minimum standards of veterinary education required for granting recognised veterinary qualifications by veterinary institutions in those States to which this Act extends.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Council to the State Government concerned and the Council shall, before submitting such regulations or any amendments thereof, as the case may be, to the Central Government for approval, take into consideration the comments of the State Government received within three months from the furnishing of the copies as aforesaid.

(3) The Central Government may, before approving such regulations or any amendments thereof, consult the Indian Council of Agricultural Research. (4) The Committee constituted under section 12 shall from time to time report to the Council on the efficacy of the regulations and may recommend to the Council such amendments thereof as it may think fit."

29. In terms of the aforesaid provisions of law, VCI is empowered to make regulations in consultation with Central Government. MSVE Regulations, 2016 came to be framed in exercise of aforesaid provisions of law. Regulation 7 of MSVE Regulations

makes a provision for selection of students and provides the source from which students can be held eligible to take admission to the aforesaid course. Admission of students to the aforesaid course from NEET-UG merit list is not a recognized source of admission to the course. Hence, this Court is persuaded to agree with Mr. K.D. Shreedhar, learned Senior Advocate representing the petitioner, that without amending the relevant provisions, more particularly Regulation 7 of MSVE Regulations, 2016, VCI could not have introduced a distinct procedure of admission to B.V.Sc. & A.H. course by directing that students be admitted on the basis of NEET-UG merit list.

30. At this stage, it is apt to take note of Information Bulletin of NEET-UG 2026, which clearly provides that as per Section 14 of National Commission for Indian System of Medicine Act, 2020, there shall be a uniform NEET-UG for admission to undergraduate courses in each of disciplines, i.e., BAMS, BUMS and BSMS courses of Indian System of Medicine in all medical institutions governed under this Act. Relevant information as extracted from the Bulletin is reproduced herein below:

“Chapter-2 National Eligibility-cum-Entrance Test NEET (UG)-
2026

1. About NEET (UG)

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iii. As per Section 14 of the National Medical Commission Act, 2019, the NEET (UG) has to be conducted as a common and uniform National Eligibility-cum-Entrance Test [(NEET (UG))] for admission to undergraduate medical education in all medical institutions. Similarly, as per Section 14 of the National Commission for Indian System of Medicine Act, 2020, there shall be a uniform NEET (UG) for admission to undergraduate courses in each of the disciplines i.e. BAMS, BUMS, and BSMS courses of the Indian System of Medicine in all Medical Institutions governed under this Act. As per Section 14 of the National Commission for Homeopathy Act, 2020, there shall be a uniform NEET (UG) for admission to undergraduate course, i.e. BHMS course of National Commission for Homoeopathy governed under this Act. Similar provisions for admission to the BDS course are contained under the Dentists Act, 1948 and Regulations made thereunder.

iv. The Constitutional validity of this Act has been upheld by the Hon'ble Apex Court vide its Judgement dated 29 April 2020 in the matter of Christian Medical College Vellore Association vs. UOI & Ors., while disposing of the transferred Case (Civil) No. 98 of 2021 & connected Transferred Cases, Writ Petitions & SLP.

v. NEET (UG) has been a qualifying entrance exam since 2020 for admission to the MBBS courses in AIIMS and JIPMER (although such Medical Institutions are governed under separate Statutes), as per the provisions under Section 14 (1) of the NMC Act (2019).

vi. A uniform entrance examination shall be conducted for all medical educational institutions at the undergraduate level, as provided under Section 10-D of the Medical Council Act, 1956 (as amended from time to time). This requirement has been reiterated under the National Medical Commission Act, 2019, Chapter IV (Examinations), Clause 14(1), which mandates that there shall be a uniform National Eligibility-cum-Entrance Test (NEET) for admission to undergraduate courses in all medical institutions.

2. NEET (UG) – 2026 AND ROLE OF NTA

i. The NEET (UG) - 2026 is going to be conducted by NTA as per the Schedule given in the Information at a Glance for admission to MBBS, BDS, BAMS, BUMS, BSMS, and BHMS Courses as per the relevant norms/guidelines/regulations notified by the concerned Regulatory Bodies of the Indian System of Medicine in all Medical Institutions governed under this Act.

ii. The official website of the NTA for NEET (UG) - 2026 is <https://neet.nta.nic.in/>. All the test-related information, as amended from time to time (if any), will be available on this website only. Candidates must regularly visit this website for the latest updates.”

31. Chapter 2 of the aforesaid Bulletin clearly provides for counselling and reservation for admission to MBBS, BAMS, BUMS, BSMS, BHMS and BDS courses and there is no specific mention with regard to counselling, if any, for admission to B.V.Sc. & A.H. course.

32. If Regulation 7(1) of MSVE Regulations, 2016 is read in conjunction with Regulation 24-A of University Grants Commission (Institutions Deemed to be Universities) Regulations, 2023, it clearly provides that an institution deemed to be a university, can conduct its own common entrance examination for admission of students to B.V.Sc. & A.H. degree course in the absence of any entrance examination being conducted by Government testing agency or State Government. In the instant case, petitioner-University is not a deemed university, rather it is a full-fledged University created under statute, and is competent to conduct competitive entrance test for admission to the courses under Regulation 7(1) of MSVE Regulations, 2016.

33. Since NEET-UG examination conducted by National Testing Agency is not the prescribed mode for admission to B.V.Sc. & A.H. courses, rather same is conducted for admission to MBBS and BDS courses, petitioner-University is within its right to conduct its own entrance examination for admitting students to B.V.Sc. & A.H. course imparted by it.

34. At this stage, it is apt to take note of certain documents which were received by the petitioner vide communication dated 02.09.2026 under Right to Information Act and same came to be placed on record during proceedings of the case. After having received D.O. notes dated 08.05.2026 and 27.07.2026 issued under

signatures of President, VCI, as well as communication dated 11.05.2026 addressed to Principal Secretary, Animal Husbandry Department of all States issued under signatures of Assistant Secretary, matter came to be dealt with administratively in the office of Secretary of Animal Husbandry Department, who after having carefully perused statutory provision i.e., Regulation 7(1) of VCI Regulations as well as communications addressed by the petitioner-University, thereby seeking permission to conduct competitive entrance examination, referred the matter to Law Department for its opinion.

35. Law Department, having taken note of Regulations, vide opinion dated 02.09.2026 categorically opined that Abhilashi University, Mandi (petitioner herein) may be permitted to conduct the entrance examination for selection of candidates for admission to B.V.Sc. & A.H. degree course, subject to strict compliance with applicable provisions of Regulations and other relevant statutory requirements. Relevant extract of the same is reproduced herein below:

“Note # 4

1. The Core Issue: A direct conflict exists between a recent executive advisory from the Veterinary Council of India (VCI) and the established statutory VCI regulations regarding the admission procedure for the B.V.Sc & A.H. degree course.

2. The Facts:

VCI Advisory: A DO letter dated 08.05.2026 requests the State Government to conduct centralized counselling or adopt the NEET (UG) merit list for all veterinary colleges.

Statutory Provision: Section 7(1) of the VCI Regulations, dated 08.07.2016, explicitly states: "the selection of students for admission... in Government or Private College shall only be on the basis of merit through a competitive entrance examination conducted by University or State Government or Veterinary Council of India".

University Stance: Abhilashi University is invoking Section 7(1) of the 2016 Regulations to conduct its own entrance examination for the 2026-27 academic session, noting the State is not currently conducting a centralized competitive exam for this course.

3. The Conflict:

Administrative noting (Note #1) proposes allowing the University to conduct its own test for 2026-27 as a final concession. Before executing the Hon'ble Agri. & A.H. Minister's directive to "Take an appropriate action," we require absolute legal clarity on the binding nature of the VCI DO letter versus the gazetted 2016 regulations.

4. The file may therefore be referred to the LR-cum-Pr. Secretary (Law) for expert opinion on the following specific queries:

(A) Legal Hierarchy: Does an executive advisory/DO letter issued by the VCI possess the statutory force to override or suspend the gazetted provisions of Section 7(1) of the VCI Regulations, 2016?

(B) Statutory Competence: In the absence of a notified centralized State examination, is Abhilashi University legally competent under Section 7(1) of the VCI Regulations, 2016, to

conduct its own competitive entrance examination for the 2026-27 academic session?

May process accordingly.”

“Note # 6

The Veterinary Council of India vide letter dated 08.05.2026 requested the State Government to conduct a common Entrance Examination for admission to BVSc& AH Degree Course for all the Veterinary Colleges shall be made through holding a Centralized Counselling which shall be conducted by the State Government or their authorized representative so that uniform criteria for admission to BVSc&AH Degree Course could be maintained across the State and provisions of MSVE Regulations shall be implemented in letter and spirit. Alternatively, the State Government may adopt NEET (UG) qualified merit list for admission to this course by holding the centralized Counselling.

The Registrar, Abhilashi University has informed that at present State Government is not conducting any Competitive Examination or Centralized Counselling for admission to Bachelor of Veterinary Science and Animal Husbandry Degree Course in Government and Private Institutions. This University is also running Bachelor of Veterinary Science and Animal Husbandry Degree Course and wish to conduct its own entrance examination for the Academic Session 2026-27 in accordance with the provisions contained under Section 7 (1) of Regulations dated 08.07.2016 of Veterinary Council of India, which reads as under:

“the selection of students for admission to Bachelor of Veterinary Science and Animal Husbandry Degree Course in Government or Private College shall only be on the basis of merit through a competitive entrance

examination conducted by University or State Government or Veterinary Council of India".

Abhilashi University requested to allow to conduct their own Entrance Examination for admission to BVSc&AH Course for the academic session 2026-27 and in order to ensure uniform criteria for admission in BVSc&AH course; Abhilashi University is willing to admit the students on the basis of Competitive Examination or Centralized Counselling for admission in Government and Private Institutions for next Academic Session 2027-28 as per recommendations of Centralized Counselling Committee comprising the authorized representatives of both the universities.

In this regard, it is submitted that there are two recognized Veterinary Colleges (one in Government sector- CSKHPKV and one in Private Sector- Abhilashi University) in the State are imparting BVSc&AH Degree Course. The Abhilashi University conduct its own entrance test. The regulation of these colleges/universities fall directly under the ambit of Veterinary Council of India, whose laid rules and regulations are to be followed by all the colleges and universities for imparting education to under-graduates and post-graduates.

As per observations made by the Secretary (AH) to the Government of H.P. vide Note#4 the matter is submitted to the Law Department for their valuable opinion on the following points:-

- 1.Does an executive advisory/DO letter issued by the Veterinary Council of India process the statutory force to override or suspend the gazette provisions of Section 7(I) of the Veterinary Council of India Regulations, 2016?
- 2.In the absense of a notified centralized State examination, is Abhilashi University legally competent under Section 7(1) of the Veterinary Council of India Regulations, 2016, to conduct

its own competitive entrance examination for the 2026-27 academic session?

Submitted please.

xxxxxxxxxxxxxx

In compliance to Note#12, the matter is submitted in physical file mode with all relevant record. Therefore, Note#6 is submitted to the Law Department for their valuable opinion on the following points:-

- 1.Does an executive advisory/DO letter issued by the Veterinary Council of India process the statutory force to override or suspend the gazette provisions of Section 7 (1) of the Veterinary Council of India Regulations, 2016?
- 2.In the absence of a notified centralized State examination, is Abhilashi University legally competent under Section 7(1) of the Veterinary Council of India Regulations, 2016, to conduct its own competitive entrance examination for the 2026-27 academic session?"

“Government of Himachal Pradesh Law Department

N/1 onwards:- Examined in the Law Department. The A.D. has requested this Department to tender its opinion on the issues framed at N/14 (ante).

This Department has examined the record made available by the A.D. The Veterinary Council of India (VCI), in exercise of the powers conferred under various provisions of the Indian Veterinary Council Act, 1984 (Central Act No. 52 of 1984), notified the Veterinary Council of India Minimum Standards of Veterinary Education (Bachelor of Veterinary Science and Animal Husbandry Degree Course) Regulations, 2016 vide Notification dated 8th July, 2016 (hereinafter referred to as "the Regulations").

Regulation 7 of the said Regulations, inter alia, provides that admission to the Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc. & A.H.) Degree Course in Government or Private Colleges shall be made strictly on the basis of merit determined through a competitive entrance examination conducted by the University, the State Government, or the Veterinary Council of India.

Subsequently, the President, VCI addressed a D.O. letter dated 8th June, 2026 to the State Government requesting it to arrange the conduct of a Common Entrance Examination for admission to the B.V.Sc. & A.H. Degree Course in the two Veterinary Colleges functioning in the State.

In this regard, it is stated that the provisions of the Regulations and the contents of the aforesaid D.O. letter are required to be construed harmoniously so as to supplement each other. However, in the event of any inconsistency between the two, the provisions of the Regulations shall prevail, being statutory in nature and having been framed in exercise of powers conferred under the parent enactment.

In the present case, it appears that the VCI has not conducted any entrance examination. Consequently, in terms of Regulation 7, the authority to conduct the entrance examination vested either in the State Government or the concerned University. The D.O. letter merely reflects the VCI's request to the State Government to conduct such examination. However, from the record made available, it appears that neither has the State Government conducted the Common Entrance Examination nor has it undertaken any centralized counselling process.

In such circumstances, the Regulations contemplate that the concerned University may itself conduct the entrance examination for admission to the said course. Although the

D.O. letter refers to two Veterinary Colleges, one in the Government sector and the other in the private sector, it appears that the B.V.Sc. & A.H. programme is being conducted through two separate Universities, namely, CSK Himachal Pradesh Krishi Vishvavidyalaya, Palampur and Abhilashi University, Mandi. It is further observed that CSK Himachal Pradesh Krishi Vishvavidyalaya has already initiated the admission process by inviting applications from eligible candidates. In the absence of any entrance examination conducted either by the VCI or the State Government, and considering that Regulation 7 does not distinguish between a Government University and a Private University for the purpose of conducting the entrance examination, there appears to be no legal impediment in permitting Abhilashi University to conduct an entrance examination for admission to the B.V.Sc. & A.H. Degree Course.

In view of the foregoing discussion, this Department is of the considered opinion that Abhilashi University, Mandi may be permitted to conduct the entrance examination for selection of candidates for admission to the B.V.Sc. & A.H. Degree Course, subject to strict compliance with the applicable provisions of the Regulations and any other relevant statutory requirements.

The A.D. may take a conscious decision in the matter and proceed further accordingly.”

“Registrar, Abhilashi University vide letter dated 23.05.2026 had requested to grant approval to make admission for the academic session 2026-27 by way of conducting their own entrance examination in accordance with the provisions under Section 7(1) of Regulations dated 08.07.2016 of Veterinary Council of India.

The matter was taken up with the Law Department for their valuable opinion on the point "Does an executive advisory/DO letter issued by the Veterinary Council of India process the statutory force to override or suspend the gazette provisions of Section 7 (1) of the Veterinary Council of India Regulations, 2016?"

The Law Department vide Notes#15-23 have opined that the provisions of the Regulations shall prevail, being statutory in nature and having been framed in exercise of powers conferred under the parent enactment. The Law Department has further advised that Abhilashi University may be permitted to conduct the entrance examination for selection of candidates for admission to the B.V.Sc. & A.H. Degree Course, subject to strict compliance with the applicable provisions of the Regulations and any other relevant statutory requirements.

Keeping in view of position explained above, if approved, we may grant permission to conduct its own Entrance Examination to make admission for the academic 2026-27 for B.V.Sc. & A.H. Degree Course in accordance with the provisions under Section 7(1) of Regulations dated 08.07.2016 of Veterinary Council of India by making clear that such request will not be entertained for academic session 2027-28 at any cost. University will be bound to make admissions for next academic session through centralized counselling only. Accordingly DFA is added please."

- 36.** Though having taken note of aforesaid opinion rendered by Department of Law, proposal came to be made in the administrative department that permission may be granted to petitioner-University to conduct its own entrance examination to make

admission in academic session 2026-2027, but for totally unjustified reasons, with the change of Secretary in the administrative department, earlier decision was changed and vide order dated 09.07.2026, Secretary, Animal Husbandry to the Government of Himachal Pradesh approved as under:

“NN1-27:- The Abhilashi University, Mandi, has requested for permission to hold its own entrance exam for admission to the B.V.Sc. & A.H. course this year. The admission to this course is governed by the Indian Veterinary Council Act, 1984, and the Minimum Standards of Veterinary Education Regulations, 2016. Regulation 7 does allow a University, the State Government, or the Veterinary Council itself to conduct admissions. But this provision cannot be read in isolation. The whole purpose of the Act is to keep veterinary education standards uniform across the country, not to let each institution go its own way.

The D.O. letter from Veterinary Council of India dated 8th May, 2026 has been received vide which it has been stated that *"Common entrance examination for admission to BVSc & AH Degree Course for all the two Veterinary Colleges in your good State and allocation of students to the Veterinary Colleges shall be made through holding of Centralized Counselling which shall be conducted either by the State Government or their authorized representative so that uniform criteria for admission to BVSc & AH Degree Course could be maintained across the State and provisions of MSVE Regulations shall be implemented letter and spirit. Alternatively, the State Government may adopt NEET (UG) Qualified Merit List for admission to the said Course by holding the centralized Counselling. In case of non-compliance, the*

admission to BVSc & AH Degree course shall be considered as null and void".

Out of total seats, 15% are filled through Central quota purely on NEET (UG) merit and the remaining 85% of State quota are filled through the system adopted by the State. The CSK Himachal Pradesh Krishi Vishvavidyalaya, Palampur has already adopted the NEET (UG)-2026 merit for its admissions. On the legal side, Abhilashi University is bound under Section 37 of its own Act to follow the norms of regulating bodies and Sections 40 and 42 go further and give the State power to issue directions to the University that are binding, with room for stronger action if things aren't complied with.

The courts have also weighed in on this more broadly as in cases like Veterinary Council of India v. Indian Council of Agricultural Research, T.M.A. Pai Foundation, and the Christian Medical College Vellore judgment, the Supreme Court has consistently supported the idea that professional admissions can be regulated for the sake of fairness and standards, and that NEET in particular is a valid and reasonable way to achieve that purpose.

Therefore, it is proposed that the University's request for a separate entrance exam should not be accepted, and a notification may be issued confirming that all admissions in the State will go through the common NEET (UG)-2026 based merit list and centralized counselling conducted by the State Government.

In view of the above, and since the matter pertains to a policy decision affecting admissions across all veterinary colleges in the State, approval of Hon'ble Chief Minister, Himachal Pradesh may be obtained through Hon'ble Minister for Animal Husbandry."

37. If the aforesaid noting is perused in its entirety, though Regulation 7 has been specifically referred, but it is also observed that the aforesaid Regulation cannot be read in isolation. It is also stated in the aforesaid noting that Abhilashi University is bound under Section 37 of its own Act to follow norms of regulatory bodies and Sections 40 and 42 go further to give the State power to issue directions to the University. In nutshell, University's request for separate entrance test was not accepted.

38. Though it is a fit case, wherein this Court may delve upon the competence of State of Himachal Pradesh to issue directions to the University in terms of Sections 37, 40 and 42 of the Act under which petitioner-University came to be created, but once Regulation 7 of the afore Regulations clearly provides procedure/mode of admission to courses concerned, coupled with the fact that aforesaid Regulation has not been amended till date despite there being decision taken by Council at one point of time, admission to courses could not have been made on the basis of NEET (UG) merit list.

39. At the cost of repetition, it is once again observed that NEET-UG merit list is not a recognized source of admission to the courses in question, rather same is conducted for admission to MBBS, BDS and allied courses.

40. True, it is that High Court of Punjab and Haryana in ***M.R. Rural Education Society*** (*supra*) proceeded to uphold the decision of VCI, thereby calling upon Veterinary Institute i.e. M.R. College of Veterinary Science and Research Center, District Jhajjar to admit students on the basis of NEET examination merit, but the aforesaid judgment came to be distinguished by High Court of Orissa at Cuttack while passing interim order dated 21.08.2026 in ***Siksha 'O' Anusandhan*** (*supra*).

41. Having carefully perused interim order passed by Cuttack High Court vis-a-vis judgment passed by Punjab and Haryana High Court, this Court is persuaded to agree with Mr. K.D. Shreedhar, learned Senior Advocate representing the petitioner, that same is not applicable in the given facts and circumstances of the case. Admittedly, M.R. Rural Education Society, which was petitioner before Punjab and Haryana High Court, is not a University, rather it being a society had been running its college which was further affiliated to Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar, Haryana, which is also a creation of State Act. The aforesaid M.R. Rural Education Society is not a University like the petitioner and as such, High Court of Punjab and Haryana made no mistake by holding that the aforesaid society cannot conduct competitive entrance examination under Regulation 7(1) of MSVE Regulations, 2016. In the

instant case, petitioner is a University created under the statute and it is fully competent to conduct the competitive entrance examination under Regulation 7(1).

42. Moreover, it further appears that brochure/information bulletin of NEET-UG 2026 also escaped the notice of Punjab and Haryana High Court while passing the judgment. As per the aforesaid brochure, National Testing Agency conducts examination for admission to MBBS, BAMS, BUMS, BSMS, BHMS and BDS and there is no specific reference/mention, if any, with regard to the course in question.

43. Leaving everything aside, this Court finds that Punjab and Haryana High Court was not apprised with regard to letter dated 29.11.2024 issued by VCI, wherein it is specifically stated that till the time an appropriate amendment in MSVE Regulations, 2016 is made, admission on the basis of NEET (UG) merit cannot be insisted upon. Though vide aforesaid communication, VCI suggested for appropriate amendment in Regulations, 2016, but as has been noted hereinabove, no such amendment ever came to be made. Hence, in no circumstance, VCI could have directed the University imparting education in Veterinary Sciences or State of Himachal Pradesh to admit students on the basis of NEET (UG) merit list.

44. Another question which needs determination in the case at hand is “*whether administrative instructions/circulars, if any, can supersede/override statutory rules?*”

45. The answer is in the negative. It has been categorically held by Hon'ble Apex Court as well as various Constitutional Courts in a catena of cases that administrative instructions cannot override the statutory rules. It is not in dispute that Regulations of 2016 have been made by Government of India in terms of Section 66 of VCI Act and as such, it has the force of law. Reliance in this regard is placed upon judgment passed by the Hon'ble Apex Court in **Tej Prakash Pathak v. High Court of Rajasthan, (2025) 2 SCC 1**. Para 62 of the afore judgment reads as under:

“62. There can therefore be no doubt that where there are no rules or the rules are silent on the subject, administrative instructions may be issued to supplement and fill in the gaps in the rules. In that event administrative instructions would govern the field provided they are not ultra vires the provisions of the rules or the statute or the Constitution. But where the rules expressly or impliedly cover the field, the recruiting body would have to abide by the rules.”

46. Reliance is also placed upon judgment passed by the Hon'ble Apex Court in **Union Of India & Anr vs Ashok Kumar Aggarwal AIR ONLINE 2013 SC 479**, relevant paras whereof read as under:

“37.A Constitution Bench of this Court while dealing with a similar issue in respect of executive instructions in *Sant Ram Sharma v. State of Rajasthan & Ors.*, AIR 1967 SC 1910, held:

“It is true that the Government cannot amend or supersede statutory Rules by administrative instruction, but if the Rules are silent on any particular point, the Government can fill-up the gap and supplement the rule and issue instructions not inconsistent with the Rules already framed.”

38. The law laid down above has consistently been followed and it is a settled proposition of law that an authority cannot issue orders/office memorandum/ executive instructions in contravention of the statutory Rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it. Such instructions should be subservient to the statutory provisions. (Vide: *Union of India & Ors. v. Majji Jangamayya & Ors.*, AIR 1977 SC 757; *P.D. Aggarwal & Ors. v. State of U.P. & Ors.*, AIR 1987 SC 1676; *Paluru Ramkrishnaiah & Ors. v. Union of India & Anr.*, AIR 1990 SC 166; *C. Rangaswamaiah & Ors. v. Karnataka Lokayukta & Ors.*, AIR 1998 SC 2496; and *JAC of Airlines Pilots Association of India & Ors. v. The Director General of Civil Aviation & Ors.*, AIR 2011 SC 2220).

39. Similarly, a Constitution Bench of this Court, in *Naga People’s Movement of Human Rights v. Union of India.*, AIR 1998 SC 431, held that the executive instructions have binding force provided the same have been issued to fill up the gap between the statutory provisions and are not inconsistent with the said provisions.

40. In *Nagaraj Shivarao Karjagi v. Syndicate Bank, Head Office, Manipal & Anr.*, AIR 1991 SC 1507, this Court has explained the scope of circulars issued by the Ministry observing that it is binding on the officers of the department particularly the recommendations made by CVC.

41. In *State of U.P. & Ors. v. Maharaja Dharmander Prasad Singh & Ors.*, AIR 1989 SC 997, this Court held that the order must be passed by the authority after due application of mind uninfluenced by and without surrendering to the dictates of an extraneous body or an authority.”

47. At this stage, Mr. Rajan Kahol, learned Additional Advocate General, attempted to argue that since admissions to courses in other Universities, i.e. CSKHPKV, Palampur, have already been done on the basis of NEET-UG, it may not be appropriate to permit the petitioner-University to conduct examination, rather such decision, if any, would jeopardize the interest of the students who have been admitted in Palampur University on the basis of NEET UG merit list. However, this Court is not impressed with the aforesaid submission of Mr. Kahol for the reason that without there being any amendment in Regulations, 2016, thereby making provision to admit students on the basis of NEET-UG merit list, no admission could have been made on the basis of same. However, in the instant proceedings, while making the aforesaid observation, this Court makes it clear that it has not commented upon the legality of admission, if any, given to the students in Palampur University on the

basis of NEET, rather, same, if required, shall be dealt with in appropriate proceedings. However, once decision of VCI, thereby permitting the State as well as Universities imparting education in Veterinary Sciences to admit students on the basis of NEET UG merit list, is in complete violation of Regulations, 2016 and, as a result thereof, interest of a large number of students may be jeopardized, this Court is persuaded to intervene in the instant proceedings and proceed to exercise its power under Article 226 of Constitution of India.

48. At this stage, learned Additional Advocate General and learned DSGI further submitted before the Court that since as per schedule, first counselling for courses in question is to be completed before 15.9.2026 and thereafter, further counselling is to be conducted on 30.9.2026, it may not be in the interest of justice to permit the petitioner to conduct a competitive entrance examination at this juncture, however, having taken note of blatant violation of Regulations, which if not rectified at this stage, may create problems for large number of students in future, this Court rejects the same.

49. Consequently, in view of detailed discussion as well as law taken into consideration, this Court finds merit in the present petition. Impugned communications dated 08.05.2026 and 11.05.2026 issued by respondent No. 3 are quashed and set aside being illegal,

in as much as they make NEET merit list the basis for admission in B.V.Sc. & A.H. courses. Furthermore, public notice dated 08.02.2026 is also quashed and set aside in as much as it makes NEET merit list the basis for admission in the aforesaid courses.

50. Since Veterinary Council and respondent-State have taken no steps to conduct common entrance examination in terms of Regulations, petitioner-University is permitted to conduct common entrance examination within ten days, so that after declaration of result, counselling and admissions are concluded well before 30.9.2026. The university shall complete the entire process of conducting Entrance Test followed by first and second rounds of counselling and mop up round within fourteen days of this judgment, so as to conclude the entire process of admission to the course well before 30.9.2026.

51. Petition stands disposed of in the aforesaid terms. Pending application(s), if any, also stands disposed of.

**(Sandeep Sharma),
Judge**

September 14, 2026
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