

CWP No.12006 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12006 of 2015
Date of decision:29.05.2015**

Nitish Kumar and others

...Petitioners

Versus

Lala Lajpat Rai University of Veterinary and
Animal Sciences, Hisar and another

...Respondents

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CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ravi Verma, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners have challenged the order dated 01.05.2015 passed by respondent no.1 by which admission of the petitioners in 5 years Bachelor of Veterinary Science & Animal Husbandry degree course (hereinafter referred to as the “B.V.Sc. & A.H.”) with the respondent no.2-institute has been cancelled.

In short, the International Institute of Veterinary Education & Research, Bahu Akbarpur, District Rohtak (hereinafter referred to as the “respondent-institute”) is allegedly affiliated with the Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar (hereinafter referred to as the “respondent-university”) for the session 2014-15 in which the

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respondent-institute offered 60 seats in 5 years B.V.Sc. & A.H. degree course by issuing prospectus in the month of November, 2014. According to the prospectus, 30 seats (50% of the total 60 seats) were meant for the State quota to be filled from the merit list of entrance test conducted by the respondent-university and remaining 30 seats were to be filled by the respondent-institute against the management quota on the basis of the entrance conducted by the respondent-institute itself.

The petitioners appeared in the entrance test conducted by the respondent-institute on 23.11.2014 and qualified it. The first counselling was conducted on 25.11.2014 and the second counselling was conducted on 28.11.2014 by the respondent-institute. Since the total seats of the degree course of B.V.Sc. & A.H. were not filled even after 2nd counselling, therefore, the petitioners, who had qualified the entrance test conducted by the respondent-institute, received the telephonic call from the office of the respondent-institute on 29.11.2014 that certain seats in the degree course remained unfilled for which they can appear in the counselling on 30.11.2014. It is also alleged that the petitioners were not informed by the respondent-institute that their admission in the B.V.Sc. & A.H. was against the State quota seats. After the admission, the petitioners deposited a huge amount of ₹7,88,500/- each with the respondent-institute. The classes of the 1st semester of the degree course started from 01.12.2014 which were regularly attended by the petitioners who had even appeared in the internal examination for the 1st semester, passed it and were promoted to the 2nd semester. They had also paid the fee and hostel charges for the second

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semester on 05.05.2015. It is further averred that on 14.05.2015, the respondent-institute called the petitioners in its office and informed that the respondent-university has cancelled their admission in B.V.Sc. & A.H. degree course vide order dated 01.05.2015 on the ground that they were admitted in the degree course by the respondent-institute in excess of the management quota but they were assured by the respondent-institute that they would pursue their matter with the respondent-university for cancellation of the order dated 01.05.2015 on the ground that they were admitted against the 26 vacant State quota seats on the ground of non-availability of eligible candidates against that quota. Thereafter, the petitioners alleged to have made regular enquiries from the office of the respondent-institute about the outcome of their efforts and on 20.05.2015 and the respondent-institute informed them that a meeting was held between the representatives of the respondent-institute and the respondent-university on 18.05.2015 but without any favourable decision. The petitioners have thus left with no other alternative remedy and challenged the order dated 01.05.2015 passed by the respondent-university by way of the present writ petition, *inter alia*, on the ground that it has been passed without any opportunity of hearing.

Counsel for the petitioners has argued that there is no fault of the petitioners as they were not taken into confidence by the respondent-institute that their admission is faulty/illegal as they were not to be admitted against the State quota seats.

I have heard learned counsel for the petitioners and perused the

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available record.

There is no dispute that the Veterinary Council of India, vide its letter No.17-24/2011/VCI/3407 dated 12.11.2014, allowed admission in the B.V.Sc. & A.H. degree course, at the respondent-institute for the session 2014-15 only to the extent of 60 seats, out of which 50% of the total intake was for the State quota seats and the remaining 50% were Management quota seats including 15% NRI quota seats. It was decided by the Academic Council of the respondent-university, vide item No.A-5 of its 25th meeting held on 18.11.2014, that 50% seats would be filled up by the respondent-university as per reservation policy of the State Government on the basis of merit of candidates who had qualified entrance test (2014-2015) for B.V.Sc. & A.H. programme conducted by the respondent-university and 50% seats shall be filled up by the Management of the respondent-institute on the basis of merit of the entrance test conducted by the respondent-institute itself. This decision was conveyed to the Chairman of the respondent-institute on 19.11.2014 and even the prospectus of the respondent-institute for the session 2014-15 clearly provided that there would be 60 seats in the B.V.Sc. & A.H. degree course, out of which 30 seats would be filled from the merit list of entrance test conducted by the respondent-university and 30 seats would be filled by the respondent-institute by its own test.

It is mentioned in the impugned order that a three members team comprising of Dr. R.K.Chandolia, Prof. Deptt. of VGO, Dr. Arun K. Sangwan, Prof. & Head, Deptt. Of Vety. Parasitology and Dr. Parveen

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Goyal, Prof. & Head, Deptt. Vety. Medicine was deputed by the respondent-university to supervise the admission process at the respondent-institute on 29.11.2014 and 30.11.2014. They have observed in their report dated 01.12.2014 that on filling 30 seats under the management quota, they had advised the management to restrict the admission to the limit of 30 seats only but the management admitted the excess candidates against the State quota seats and did not adhere to the rules regarding admission. The respondent-institute was also advised to revise the admissions of the candidates to 30 seats only under the management quota vide letters dated 29.01.2015 and 18.02.2015 but there was no revision to the permissible limit of 30 candidates, rather vide its letter dated 01.03.2015, the respondent-institute took a stand that they have not violated any rule/regulation and that when there was no vacant seat under the management quota, the management started admitting the candidates against the vacant State quota seats.

It is also mentioned in the impugned order that a show cause notice dated 01.04.2015 was also issued to the respondent-institute that since admission of the petitioners are illegal, therefore, why it should not be cancelled but the respondent-institute requested for regularization of the admission of the excess seven candidates. The Academic Council in its 28th meeting held on 28.04.2015, decided vide Item No.A-7, that since the admission of seven candidates was in violation of the guidelines/rules, therefore, it has to be cancelled.

In view of the aforesaid facts and circumstances, I do not find

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any error in the impugned order dated 01.05.2015 passed by the respondent-university for the purpose of interference and hence, the present writ petition is hereby dismissed.

However, the petitioners, who have alleged innocence in regard to their admission, having been persuaded by the respondent-institute, as a result thereof they had to shell out heavy amount of fee, may, if so advised, take appropriate legal action against the authorities of the respondent-institute, both civil and criminal, in accordance with law.

May 29, 2015
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(Rakesh Kumar Jain)
Judge