

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

CWP No.18877 of 2012
Date of decision: 22.09.2015

Sathish Jangra

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sarvinder Goyal, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

Mr. H.N. Mehtani, Advocate
for respondent No.2.

Mr. Sandeep Kumar Sharma, Advocate
for respondent No.4.

Mr. D.S. Rawat, Advocate
for respondent No.6.

Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate
for respondents No.7, 9 and 10.

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DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioner seeks quashing of appointment orders issued in favour of the private respondents No.7 to 11 who have been appointed as Veterinary Surgeons in the Department of Animal Husbandry and Dairying, Haryana. The sole ground of challenge to their appointments is that the private respondents No.7 to 11 hold degrees in Bachelor of Veterinary Sciences and Animal Husbandary (B.V.Sc.&A.H.)

from Apollo College of Veterinary Medicines, Jaipur, which has been held to be an unrecognized college by a Division Bench of the Rajasthan High Court at Jaipur Bench, Jaipur, in a bunch of petitions, the leading case in which being **D.B. Civil Writ Petition No.2635 of 2011** titled **Alok Kumar Meena and others vs. Rajasthan State Veterinary Council Jaipur and others** decided on 17.11.2011.

Sh. R.K. Malik, appearing on behalf of the private respondents has argued that the petitioner has based his entire case on the Division Bench judgment of the Rajasthan High Court in **Alok Kumar Meena's case (supra)**, which was challenged before the Apex Court through **SLP (C) No.35057 of 2011** titled **Apollo College of Veterinary Medicine versus Rajasthan State Veterinary Council and others**, which on conversion being **Civil Appeal No.6842 of 2014** was allowed by the Apex Court vide its judgment dated 25.07.2014 by holding as under:-

" In the facts and circumstances of the case, we are of the view that the Division Bench of the High Court should have given a possible legal solution in respect to the students who have already passed out from the Apollo College and the Mahatma Gandhi College affiliated to Swami Keshwanand Rajasthan Agricultural University, Bikaner by directing the Central Government to make appropriate amendment in the First Schedule of the Indian Veterinary Council Act, 1984 so as to include the Apollo College and the Mahatma Gandhi College in the First Schedule for the purpose of recognition of B.V. Sc. & A.H. Degree on or before 11th July, 2011 in so far as it relates to Apollo College and 8th December, 2011 in respect of Mahatam Gandhi College. We direct accordingly. So far as the other students who have been admitted in the Apollo College and the Mahatma Gandhi College and are pursuing

their studies are concerned the Central Government is directed to call for a fresh report from the Veterinary Council of India and to pass appropriate order u/s 15 (2) r/w Section 21 (4) of the Indian Veterinary Council Act, 1984. In case it is not possible to recognize the Apollo College and the Mahatma Gandhi College beyond such date as ordered above, the Veterinary Council of India is directed to take steps to transfer the students to some other recognized colleges against their corresponding year to complete the B.V. Sc. & A.H. Course.

For the reasons aforesaid, we set aside the impugned common judgment and order dated 17th November, 2011 passed by the Division Bench of High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur; the judgment and order dated 23rd December, 2011 passed by the learned Single Judge of the High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur and letters issued by the Veterinary Council of India directing the State Veterinary Council to delete the names of the doctors from their register. The appeals are allowed with aforesaid observations and directions. The interlocutory applications for intervention, impleadment and deletion stand disposed of in view of the finding recorded above. No costs."

On the basis of the order of the Apex Court, as quoted above, it is argued that in view of the fact that the Apex Court has set aside the order of the Rajasthan High Court in **Alok Kumar Meena's case (supra)** which is the sole basis of challenge by the petitioners, the present writ petition is liable to be dismissed.

There is merit in the submission made on behalf of the private respondents. Once the Apex Court has held that the Bachelor of Veterinary Sciences and Animal Husbandary (B.V.Sc.&A.H.) degree passed on or before 11.07.2011 from Apollo College of Veterinary Medicines, Jaipur, are to be considered as recognized and the petitioners having admittedly

passed their degrees prior to 11.07.2011, there is no hesitation in my mind that the present petition deserves to fail.

There is yet another fact which needs to be noticed. During the pendency of the present petition, on the same ground, as raised in the present petition, the services of the private respondents had been terminated by the State of Haryana. Relying on the above referred pronouncement by the Apex Court in **Apollo College of Veterinary Medicine versus Rajasthan State Veterinary Council and others**, the private respondents challenged their termination through **CWP No.2493 of 2014** titled **Vinay Punia and others versus State of Haryana and another**, which was allowed on 23.02.2015 by passing the following order:-

"After hearing learned counsel for the parties and considering the judgment of Hon'ble the Supreme Court in Apollo College of Veterinary Medicine (supra), the candidates, who had got degree of Bachelor of Veterinary Science and Animal Husbandry from Apollo College of Veterinary Medicine Jaipur on or before 11.07.2011 and Mahatma Gandhi Veterinary College on or before 08.12.2011 are to be treated eligible and the petitioners having qualified from the aforesaid Institutes prior thereto, in my opinion, the termination of their services on the ground that the Colleges from which they had passed their B.V.Sc. and A.H. qualifications were not recognized, does not stand any more. Hence, the impugned order dated 31.01.2014 of termination (Annexure P-6) is set-aside."

In view of the above, I find that the matter has been concluded in favour of the private respondents both by the Apex Court in **Apollo College of Veterinary Medicine's case (supra)** as also by this Court in **Vinay Punia's case (supra)**.

Resultantly, the present petition being devoid of any merit, is ordered to be dismissed with no order as to costs.

(DEEPAK SIBAL)
JUDGE

September 22, 2015

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