

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

CWP No. 15563 of 2015
Date of decision: 20.08.2015

Shri Guru Nanak Dev Ji Educational Society (Regd.)Petitioner(s)

Versus

State of Haryana & others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Fateh Saini, Advocate, for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

Mr.D.S.Rawat, Advocate, for respondent No.3.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition is to the order dated 04.06.2015 (Annexure P9) whereby the provisional affiliation has been declined for the Veterinary Livestock Development (VLD) Diploma Course, which is a two years' course, for the academic year 2015-16.

2. The reasoning given in the impugned order, by the University, is that the veterinary hospital for offering/starting VLD Diploma Course by organizing deworming/fertility camps and using mobile veterinary Unit/Gaushalas is not as per the norms, procedures and guidelines for affiliation of Institutions offering/desirous of starting VLD Diploma Course in the State of Haryana.

3. Counsel for the petitioner has vehemently argued that it is a case of provisional affiliation and that deficiencies pointed out can always be removed. Reference has been further made to the guideline No.18 to submit that sanction could be taken from the Government and in case there were less number of

outdoor patients, the students could be imparted training in the adjoining veterinary hospitals for practical purposes. Clause 18 of the guidelines for the academic session 2015-16 (Annexure R3/1) reads as under:

“18) The affiliated institution shall have its in-house well equipped, clinic, with adequate functional clinic manpower and having at least 30 outdoor cases per day. If the in-house clinic is not functional to the satisfaction of the University, then the affiliated institution will have to make arrangements for attachment of its students to suitable Government Veterinary Hospital(s) and get the same approved by the University provided the number of outdoor cases in such hospital(s) is/are sufficient.”

4. A perusal of the said guidelines would go on to show that firstly, the Institution has to have an adequate functional clinic, manpower and at least 30 outdoor cases per day. The second inspection was made on 04.04.2015, as per the written statement and it has been categorically averred that the veterinary hospital of the petitioner-Society is not in a running condition, as per the norms of the respondent-University and thus, the requirement of 30 patients is not there. Photographs have also been attached of the first inspection team who had visited in the month of January, 2015. The inspection team has specifically taken note of the ground reality of the facilities and the number of animals which are being treated.

5. Counsel for the petitioner has submitted that there is an increase in the number of animals being brought to the hospital.

6. However, the inspection team has recorded the factual ground reality, and it is not for this Court to get into the disputed questions of fact.

7. Counsel for the petitioner has, thereafter, tried to submit that the petitioner had also approached the State for permission for the practical training at the adjoining hospitals, as per the letter dated 22.04.2015 (Annexure P4) vide which, the opportunity had been granted to remove the deficiencies by 31.05.2015.

8. In the said letter also, for using Civil Veterinary Hospital, Tohana, permission had to be taken from the State Animal Husbandry Department. Nothing has been placed on record to show that any such permission had been granted. In such circumstances, once the number of animals which are visiting the hospital are less, the inability of persons admitted to get practical training is apparent and the said persons would never be able to get the requisite experience. Reliance upon the judgment of this Court in **Adhiyamaan Educational & Research Institutions, Rohtak Vs. Maharshi Dayanand University 2001 (4) SCT 1097** is without any basis. The observations were made in the peculiar facts and circumstances where there was an NOC from the Government of Haryana and the Bar Council of India had given the approval to start the Law College. It was held, in such circumstances, that provisional affiliation would also help the Institute to kick start.

9. Counsel for respondent No.3 has rightly relied upon the judgment of a Division Bench of this Court in **Saint Solider Educational Society, Janakpuri, New Delhi & another Vs. State of Punjab & others 2009 (3) RSJ 246** to submit that the affiliating/examining body is justified in rejecting permission if there are no proper facilities like the teaching faculty. The said judgment, though, had been passed under the NCTE Act, the principles would remain the same when affiliation is to be granted. Relevant observation reads as under:

“8. The University or the State Government has not refused the permission but, after examining the norms and standards for Secondary Teacher Education Programme framed by the NCTE itself, it has found that the teaching faculty is not suitable. Such power has been exercised in terms of the liberty granted by the NCTE to the State Government and the University. The University, as examining body, is, thus, justified in refusing permission till such time proper teaching faculty is engaged by the petitioner as in the absence of proper teaching faculty, the standard expected in respect of imparting of teachers education is likely to be suffered.”

10. Accordingly, this Court is of the opinion that the permission which has been declined, does not suffer from any infirmity which would warrant interference by this Court under Article 226/227 of the Constitution of India. Resultantly, the present writ petition is dismissed.

20.08.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE