

CWP No.1842 of 2015 (O&M)

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

**CWP No.1842 of 2015 (O&M)
Date of decision:07.04.2015**

Nazneen Atwal and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. GPS Bal, Advocate,
for the petitioners.

Mr. Vipul Aggarwal, Advocate,
for respondent no.1.

Mr. S.K.Sharma, Advocate,
for respondent no.2.

None for respondent no.3.

Mr. A.S.Virk, Advocate, for
Mr. P.S.Thiara, Advocate, for respondent no.4.

Mr. HNS Gill, Advocate,
for respondent no.5.

Mr. Nilesh Bhardwaj, DAG, Punjab,
for respondents no.6 and 7.

Rakesh Kumar Jain, J.

Though various prayers have been made by the petitioners in this petition, but essentially they are praying for recognition of their Degree of Bachelor of Veterinary Sciences & Animal Husbandry (hereinafter referred to as the “B.V.Sc. & A.H.”) passed from the Apollo College of Veterinary Medicine, Jaipur (hereinafter referred to as the “Apollo

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College”) affiliated to the Rajasthan Agricultural University (now known as Rajasthan University of Veterinary and Animal Sciences, Bikaner).

In brief, the petitioners joined the Apollo College of Veterinary Medicine, Jaipur in the course of B.V.Sc. & A.H. and completed it in the month of November, 2014. During their studies, an issue regarding recognition of the Apollo College had arisen that it had not been recognized by the Veterinary Council of India. The issue was ultimately decided by the Supreme Court in Civil Appeal No.6842 of 2014, arising out of SLP(C) No.35057 of 2011, titled as “**Apollo College of Veterinary Medicine v. Rajasthan State Veterinary Council & Ors.**”, decided on 25.07.2014, in the following manner:-

“49. 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 Mahatma 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.

50. 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

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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.”

It is alleged that the petitioners and other similarly situated students of the batch of 2009-2014, who were in the concluding session of their studies, were also required to have been granted benefit in terms of the aforesaid order of the Supreme Court as the students who had completed their B.V.Sc. & A.H. degree from the Apollo College were given admission in Master of Veterinary Science (hereinafter referred to as “M.V.Sc.”) in Guru Angad Dev Veterinary Sciences University, Ludhiana (hereinafter referred to as the “University”). It is further alleged that when the admissions for the M.V.Sc. course started on 13.01.2015, the petitioners, who had applied for admission in the said course, were verbally told by the University that they cannot be considered eligible for admission as the University had not received any official communication for the students like the petitioners from the Veterinary Council of India and the Government of India.

At the time of notice of motion, the respondents were directed to consider the petitioners for counselling on the basis of their merit provisionally for admission in the M.V.Sc. course.

The petitioners have also filed CM No.3065 of 2015 in order to place on record the documents/receipt of the deposit of fee etc. in regard to

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their admission in the M.V.Sc. course on the basis of the interim order passed by this Court and have further made a prayer that the respondent no.5-University may be directed to allow the petitioners to attend the classes of the M.V.Sc. Course and assign registration number to them.

In this application bearing CM No.3065 of 2015, an order was passed by this Court on 13.03.2015, permitting the petitioners to attend the classes in case they have been selected provisionally but it was made clear that this would not confer any right, equity or eligibility upon them.

In the reply filed by respondent no.4, it has been averred that respondent no.1 has issued gazette notification dated 25.12.2014 regarding inclusion of degree in respect of the students who have passed out from Apollo College on or before 11.07.2011 in first schedule of the Indian Veterinary Council Act, 1984 (hereinafter referred to as "Act") for the purpose of recognition of B.V.Sc. & A.H. degree in terms of the judgment of the Supreme Court, whereas the petitioners have completed their B.V.Sc. & A.H. degree from the Apollo College in November, 2014. No notification has been issued by the Government of India as yet in regard to the students who had passed their B.V.Sc. & A.H. degree from Apollo College after 11.07.2011. Therefore, the petitioners cannot be registered under the provisions of the Act until and unless their college is included in the first schedule of the Act.

In the reply filed by respondent no.5, it is averred that the Supreme Court, vide its order dated 25.07.2014, directed the Central Government to make amendment in the first schedule of the Act so as to

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include the Apollo College for the purpose of recognition of B.V.Sc. & A.H. degree issued on or before 11.07.2011 and as regards the other students who have been admitted in the Apollo College and are pursuing their studies, the Central Government was directed to call for fresh report from the Veterinary Council of India and to pass appropriate orders under Section 15(2) read with Section 21(4) of the Act and it was further directed that in case it is not possible to recognize the Apollo College, beyond the due date i.e. 11.07.2011, the Veterinary Council of India was directed to take steps to transfer these students to some other recognized colleges so that they can complete their course. It was further averred that neither any order was passed by the Veterinary Council of India in respect of the degree obtained by the petitioners from the Apollo College nor they were shifted to some other recognized college, therefore, their degree is found from the college not recognized by the Veterinary Council of India or the Government of India.

In the reply filed by respondent no.6, it is averred that the petitioners have not sought any relief against them as the answering respondent no.6 have no role to play to consider the candidature of the petitioners in M.V.Sc. Course as well as pass the requisite order in terms of the aforesaid order of the Supreme Court, therefore, they are not required to file their reply on merits.

Counsel for the petitioners has vehemently argued that it was categorically ordered by the Supreme Court that "*so far as the other students who have been admitted in the Apollo College and the Mahatma*

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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 student to some other recognized Colleges against their corresponding year to complete the B.V.Sc. & A.H. course". It is submitted that neither the Veterinary Council of India had called for the fresh report and pass the appropriate order about the students like the petitioners who were pursuing their studies in the Apollo College nor took any step to transfer them to some other recognized college to complete their B.V.Sc. & A.H. degree, therefore, because of the laxity on the part of the Veterinary Council of India, the petitioners should not be made to suffer because in both the situations, the ball was in the court of the Government of India and the Veterinary Council of India and there was nothing for the petitioners to do.

On the other hand, counsel for respondent no.5 has argued that the candidature of the petitioners could not have been considered for admission in the M.V.Sc. Course because there was no notification by the Veterinary Council of India recognizing the degree obtained by the petitioners in November, 2014 from Apollo College, therefore, they have rightly not been granted admission.

I have heard learned counsel for the parties and examined the

available record with their able assistance.

There is no dispute that the petitioners took admission in the B.V.Sc. & A.H. course in the Apollo College in the year 2009 and have completed their degree in November, 2014. The Supreme Court, vide its order dated 25.07.2014, recognized the degree of B.V.Sc. & A.H. obtained from the Apollo College on or before 11.07.2011 but, at the same time, while considering the fate of the petitioners who have been pursuing their degree in the Apollo College beyond the due date i.e. 11.07.2011, the Central Government was directed to call for a fresh report from the Veterinary Council of India and to pass appropriate orders under Section 15(2) read with Section 21(4) of the Act. The Supreme Court also gave the another option to the Veterinary Council of India that if it is not possible for them to recognize the Apollo College beyond 11.07.2011, then it would take steps to transfer the students of the Apollo College to some other recognized colleges “against their corresponding year” to complete their B.V.Sc. & A.H. degree. In the first option, the direction was against the Central Government to call for a fresh report from the Veterinary Council of India as to whether the Apollo College can be recognized and in the second option, direction was given to the Veterinary Council of India that in case there is no possibility to recognize the Apollo College, it would take steps to transfer the students like the petitioners to some other recognized college against their corresponding year so that they may complete their B.V.Sc. & A.H. degree from a recognized college and may be able to pursue their further studies etc. However, neither the Central Government called for the

fresh report from the Veterinary Council of India nor the Veterinary Council of India showed its inability to recognize the Apollo College and order for transfer of the students studying therein to some other recognized college against their corresponding year to complete their B.V.Sc. & A.H. course. In both the situations, there is no fault of the students like the petitioners who were at the mercy of the Central Government and the Veterinary Council of India because in the present case, they were admittedly pursuing their studies at the time when the order was passed by the Supreme Court on 25.07.2014. Their course came to an end in November, 2014 and from July, 2014 to November, 2014, there was a gap of 3 months during which time the Central Government could have easily called for a fresh report from the Veterinary Council of India and if Veterinary Council of India was not in a position to recognize the Apollo College after the due date i.e. 11.07.2011, it was incumbent upon them, as per the direction of the Supreme Court, to take steps to transfer the students like the petitioners to some other recognized college against their corresponding year so that they would have got their B.V.Sc. & A.H. degree from a recognized college which could have paved the way for their future either in regard to their post-graduation studies or job etc. The petitioners were at the receiving end throughout after the order was passed by the Supreme Court on 25.07.2014 and except for waiting either for the Central Government or the Veterinary Council of India to react immediately upon the order passed by the Supreme Court, nothing could have been done by them.

The respondents thus had no cheek to say that since there is no

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notification by the Government of India for recognition of the degree obtained from the Apollo College after the due date i.e. 11.07.2011, the petitioners are not eligible for seeking admission in the post-graduation course since they are victims of the slackness on the part of the Central Government in calling for the fresh report from the Veterinary Council of India and the Veterinary Council of India who did not take any step to transfer them to any other recognized college against their corresponding year.

The inaction on the part of respondent no.1 and 2, namely, the Government of India and the Veterinary Council of India, in not obeying the order of the Supreme Court in time, causing irreparable loss and injury to the petitioners who would loose their entire studies because of non-recognition of their degree of B.V.Sc. & A.H., is arbitrary and unreasonable.

Thus, the present writ petition is hereby allowed and the respondents are directed to regularize the admissions granted to the petitioners in terms of the interim order passed by this Court on 13.03.2015.

April 07, 2015
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(Rakesh Kumar Jain)
Judge