

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

CWP No. 2530 of 2015 (O&M)

Date of decision: 02.09.2015

Amanpreet Singh

....Petitioner(s)

Versus

Union of India & others

...Respondent(s)

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

Present: Mr.G.P.S.Bal, Advocate, for the petitioner.

Mr.Sandeep Sharma, Advocate, for respondent No.2.

Mr.H.N.S.Gill, Advocate, for respondent No.5.

Mr.Aman Bahri, Addl.A.G., Punjab, for respondents No.6 & 7.

G.S.SANDHAWALIA, J. (Oral)

CM No.9112 of 2015

In view of the averments made in the application for preponement, same is allowed. With the consent of counsel for the parties, the main case is taken up for disposal, today itself.

Main case

1. In the present writ petition, the petitioner seeks admission in the Master of Veterinary Science Course of Animal Husbandry with the respondent No.5-Guru Angad Dev Veterinary Sciences University, Ludhiana, for the admission process starting from February, 2015.

2. It is the case of the petitioner that he was seeking admission on the strength of a provisional Degree from Sri Ganga Nagar Veterinary College, Sri Ganga Nagar, Rajasthan on 17.01.2015 (Annexure P2), which stands affiliated with Rajasthan University of Veterinary & Animal Sciences, Bikaner (for short, the 'Rajasthan University'). The eligibility criteria for admission was a Degree in

Veterinary Science with at least 60% marks in the aggregate. The said admission is being opposed by the Veterinary Council of India (for short, 'VCI') and by the respondent No.5-Institute on the ground that the college from which the petitioner had passed does not fall in the 1st Schedule of the Indian Veterinary Council of India Act, 1984 (for short, the 'Act') and is not a recognized college by the VCI and therefore, the petitioner is not eligible for the said programme. Reliance has been placed upon the list of the recognized Veterinary Colleges of India, which are put on the website of the VCI (Annexure R5/2). Relevant portion of the same reads as under:

21	<i>Rajasthan University of Veterinary & Animal Sciences, Bikaner</i>	<i>32. College of Veterinary and Animal Science, Bikaner</i>
		33. Apollo College of Veterinary Medicine, Jaipur (Recognised upto 11.07.2013 only as per Supreme Court order) (The college is under the Pvt. Sector)
		34. Mahatma Gandhi Veterinary College, Bharatpur (Recognised upto 08.12.2011 only as per Supreme Court order) (The college is under the Pvt. Sector)

3. The Council, in its reply, has placed reliance upon Section 15 of the Act to submit similarly. It has been averred that the Council, in its meeting dated 18.10.2013, had considered the matter and decided not to allow admission of students to the Sri Ganganagar Veterinary College on account of the deficiencies and non-fulfilment of the minimum requirements and the petitioner was, thus, not eligible for admission.

4. Counsel for the petitioner, on the other hand, has placed reliance upon the judgment of the Apex Court in Civil Appeal No.6842 of 2014, arising out of SLP (C) No.35057 of 2011 titled *Apollo College of Veterinary Medicine Vs. Rajasthan State Veterinary Council & others* decided on 25.07.2014, to submit that in similar situations, students of the Apollo College had been protected by the Apex Court and the college in which the petitioner had taken admission had been

granted approval on 23.09.2009 and it had never been notified that the said college was not recognized. Reference has been further made to the proceedings of the VCI to submit that the admission of the subsequent sessions of 2011-12 and 2012-13, had not been regularized, as per the Executive Committee meeting of the VCI held on 15.10.2013 but the petitioner having taken admission prior to that time, was entitled for regularization.

5. The facts of the case would go on to show that initially the petitioner's College had been granted permission to admit students for imparting studies for 1st year by the VCI vide communication dated 23.09.2009 (Annexure P1), subject to the available facilities and progress reports and the minimum requirements and subject to further inspection, both by the affiliating University and the Council. The relevant part reads as under:

“In view of the above and in view of the fact that the independent inspections conducted by the affiliating University and the Council have found the facilities created as adequate for imparting first year B.V.Sc. & A.H. Degree course, admission of students may be allowed during the current academic session (2009-10) at the College. The University authorities have to take immediate appropriate actions to ensure that the facilities for the second year of studies are created in a time bound manner. The University authorities are required to submit progress report on fulfillment of the minimum requirements strictly as per VCI Regulations annually to this Council. The Council shall periodically inspect the College to monitor/verify the progress towards fulfillment of the minimum requirements.”

6. It is apparent that on account of deficiencies in the infrastructure, the affiliation granted for the academic session 2011-12 and 2012-13 was sought to be withdrawn by the Rajasthan University. The matter reached the High Court of Rajasthan at Jodhpur, in which, certain directions were issued to protect the interests of the students and that inspection would be conducted afresh and the colleges would fulfill the minimum standards of veterinary education prescribed by the regulations and the admissions would then be regularized. Relevant

observations read as under:

“36. Accordingly, the writ petitions are disposed of with the directions to the Council to reconsider the matter with regard to grant of approval for admission of the students to the veterinary colleges run by the petitioners and recognition of the veterinary qualification to be awarded by the respondent-University to the students pursuing their B.V.Sc. & A.H. degree course in the said colleges objectively, after due consideration of the submissions to be made by the petitioners and the comments on inspection report already submitted by the respondent-University, within a period of one month from the date of receipt of certified copy of this order. The Council shall be at liberty to direct inspection of the petitioners' colleges afresh so as to ascertain whether the said colleges fulfill the minimum standards of veterinary education prescribed by the Regulations. Needless to say that if the colleges run by the petitioners are found to be fulfilling the requirement, the admission already made in any of the petitioners' colleges during the Academic Session 2011-12 and 2012-13 shall be regularized and they shall be permitted to admit the students in the next Academic Session 2013-14. Further, the matter with regard to the recognition of the veterinary qualification to be awarded by the respondent-University to the students already admitted in the colleges run by the petitioners pursuant to the approval granted by the Council, shall be considered by the Council/Central Government objectively, keeping in view the future of the students pursuing the course and shall ensure that they are not made to suffer for no fault on their part.

37. No order as to costs.”

7. In pursuance of the abovesaid direction, on 22.08.2013 (Annexure R2/5), the VCI appointed the Committee constituting of three persons to physically verify the infrastructure on the spot and communicated the same to the college. The college, instead of accepting the inspection, replied on 24.08.2013 (Annexure R2/6) that it would require at least 4-5 months to complete the deficiencies pointed out by the University authorities and it was not interested in admissions for the academic session 2013-14. Thereafter, the Rajasthan University also dropped the said college for affiliation w.e.f. 03.07.2013, since the college had moved on to

another University, namely, Tanta University, which was to be the examining body. The inspection by the VCI was never, thus, conducted upon the college in question and the deficiencies which were present on the site, apparently continued. The provisions of Section 15 of the Act reads as under:

“15. (1) The veterinary qualifications granted by any veterinary institution in India which are included in the First Schedule shall be recognised veterinary qualifications for the purposes of this Act.

(2) Any veterinary institution in India which grants a veterinary qualification not included in the First Schedule may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may, by notification in the Official Gazette, amend the First Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted after a specified date.”

8. As noticed above, the college in question is not included in the 1st Schedule which has been reproduced above. Once it is not recognized, the action of the respondents in denying admission cannot be held to be without any justification. The argument of counsel for the petitioner that similar protection has been granted to the students of Apollo College and it should also be granted to the petitioner's college is without any basis. The petitioner's college was never agitating for its rights whereby it had been directed that fresh inspection be conducted in the colleges concerned and in case they did not comply with the requirements, the students have to be shifted. Rather, perusal of the public notice dated 21.09.2010 would go on to show that the VCI issued notice to everyone that students were being admitted by the college which claimed affiliation to the Rajasthan University, for the academic session 2010-11. The college authorities had been advised not to admit students till a decision was taken by the Council and the infrastructure had been found deficient and decision had been taken to stop

admission in the colleges, with immediate effect. The students were also put to notice that the qualifications of the University in respect to these colleges was not recognised and anybody seeking admission would be doing so at his own risk.

9. The provisional Degree Certificate on which the petitioner is relying has been issued by the said Rajasthan University whereas as per the communication dated 04.09.2013, the said University had also dropped the Sri Ganganagar College from its affiliation w.e.f. 03.07.2013, on account of the college being affiliated with Tania University. In such circumstances, the certificate which is issued subsequently, on 17.01.2015 also, cannot be, on the face of it, acceptable. Another aspect is that as per the admission notice, the petitioner was required to have 60% marks in the qualifying degree. Nothing has been brought on record that the petitioner has the minimum required qualifications apart from having the provisional degree certificate. In the present case, apart from provisional permission granted in the year 2009, for admitting students for 1st year, the VCI has not approved the institute from which the petitioner has passed out his Degree and the said institute never permitted or opted for the inspection and not being in the list of institutes as per the statutory provisions, the Degree on the strength of which the petitioner is seeking admission in a higher course cannot be given the benefit.

10. In such circumstances, there is no scope for interference and the present writ petition is dismissed.

02.09.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE