

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

LPA No. 1659 of 2015 (O&M)

DATE OF DECISION : 18.11.2015

Pritam Kumar

.... APPELLANT

Versus

Animal Husbandry and Dairying Department, Haryana and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Lalit Rishi, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 13.10.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 15171 of 2015) filed by the appellant seeking direction to the respondents to consider his candidature for appointment to the post of Veterinary Livestock Development Assistant (hereinafter referred to as 'VLDA') in pursuance of the employment notice (Annexure P-1), has been dismissed.

We have heard learned counsel for the appellant and have gone through the impugned order.

In this case, vide employment notice (Annexure P-1), certain posts of VLDA were advertised. The following essential educational

qualifications were prescribed for those posts :-

- “1. Matric or its equivalent from any recognised University/Board/Institution.*
- 2. 2 years Veterinary Livestock Development Assistant Diploma course from Lala Lajpat Rai University of Veterinary & Animal Sciences, Hisar or any other institution recognised/approved by the Haryana Government.*
- 3. Knowledge of Hindi/Sanskrit up to Matric standard or higher education.”*

Undisputedly, the appellant is possessing two years Diploma course in Animal Husbandry from Rajasthan University of Veterinary and Animal Sciences, Bikaner, whereas the requirement, as per the Rules and the advertisement, was that a candidate should possess two years Veterinary Livestock Development Assistant Diploma from Lala Lajpat Rai University of Veterinary & Animal Sciences, Hisar or any other institution recognised/ approved by the Haryana Government. Though it is not disputed that the University from where the appellant got two years Diploma course in Animal Husbandry is the recognised University, but the learned Single Judge has found that the appellant is not possessing the essential qualification, as two years Diploma course possessed by him in Animal Husbandry is not equivalent to 2 years Veterinary Livestock Development Assistant Diploma, as required in the advertisement. In this regard, the

learned Single Judge made the following observations :-

“The above table clearly shows that the subjects taught in the Diploma course undertaken by the petitioner are not the same as the subjects taught in the Diploma course, which is prescribed as an essential qualification for the post in question. The subject of English as also Animal Products Technology is missing in the Diploma course undertaken by the petitioner. There is also seen a serious lack of details in the subject of clinical medicine in the course undertaken by the petitioner. The subjects of Pharmacy and Introduction to Animal Breeding, as taught in the Veterinary Livestock Development Assistant Diploma Course are quite distinct from the Diploma course undertaken by the petitioner. Some overlapping of topics is not suffice for me to favourably consider the petitioner's case.”

Learned counsel for the appellant, while referring to certain provisions of the Indian Veterinary Council Act, 1984, submits that the Diploma course possessed by the appellant is also sufficient for appointment to the post of VLDA. This is not the issue before us. The only issue before this court is as to whether the appellant possesses the essential educational qualifications as prescribed in the Rules, which have been mentioned in the employment notice (Annexure P-1). Undisputedly, the educational qualification possessed by the appellant is different from the qualification

mentioned in the Rules and the employment notice, as observed by the learned Single Judge.

In this view of the matter, we are of the opinion that the appellant cannot be held to be eligible for appointment to the post of VLDA. Thus, we do not find any irregularity in the impugned order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

November 18, 2015
ndj

(SHEKHER DHAWAN)
JUDGE