

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

LPA No.1773 of 2015 (O&M)
Date of Decision:22.12.2015

Surinder Kumar and another

...Appellants

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice S.S. Saron
Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. P.S. Jammu, Advocate
for the appellants.

Mr. Amar Vivek, Addl. Advocate General, Haryana
for respondent No.1.

Mr. D.S. Rawat, Advocate
for respondent No.2.

Mr. Dinesh Arora, Advocate
for respondent No.3.

S.S. Saron, J.

Civil Misc. No.3814-LPA of 2015

Heard learned counsel for the parties.

For the reasons stated in the civil misc. application, the same is
allowed and the delay of 177 days in filing the appeal is condoned.

LPA No.1773 of 2015

Heard learned counsel for the parties.

The Letters Patent Appeal has been filed by the appellants

Surinder Kumar and Sunil Kumar against the judgment and order

dated 16.05.2015 passed by the learned Single Judge in CWP No.7116 of 2014 titled 'Anand Sharma and others v. State of Haryana and others'. The appellants were petitioners No.7 and 9 in CWP No.7116 of 2014. The said writ petition was dismissed by the learned Single Judge in terms of the order dated 16.05.2015 passed in CWP No.6784 of 2014 titled 'Sandeep and others v. State of Haryana and others'.

The appellants joined the Veterinary Livestock Diploma Course ('VLD Diploma Course' – for short) being conducted by the International Institute of Veterinary Education and Research, Bahu Akbarpur, Rohtak, which is managed by the Jan Shakti Charitable Trust, Rohtak. They joined the said VLD Diploma Course after passing their 10+2 examinations from duly recognized Education Boards from the session 2012-13. They assailed the decision and sought setting aside and quashing of the proceedings dated 16.01.2014 of the meeting conducted under the Chairmanship of the Principal Secretary to Government of Haryana, Animal Husbandry and Dairying Department regarding establishment of private Colleges offering Veterinary and Livestock Development Diploma Course by which they were debarred from taking the second/final year examination of the VLD Diploma Course.

The judgment in the case of Sandeep and others v. State of Haryana and others CWP No.6784 of 2014 decided on 16.05.2015 has been set aside in the case of Suresh v. State of Haryana and others (LPA No.1105 of 2015, decided on 20.11.2015).

Learned counsel appearing for the appellants and the respondents are *ad idem* that the matter in controversy is covered by

decision in the LPA in Suresh's case (supra). However, learned counsel for the respondents submit that the appellants should fulfill the criteria as per the prospectus issued by the International Institute of Veterinary Education and Research, Bahu Akbarpur, Rohtak. According to learned counsel for the appellants, the appellants fulfill the said conditions.

In the circumstances, the appeal is allowed in terms of the judgment passed in LPA No.1105 of 2015 titled 'Suresh v. State of Haryana and others'. This shall however, be subject to verification that the appellants have secured 50% marks in their 10+2 examination and 40% marks, if they are members of the Scheduled Caste/Backward Class categories. There shall, however, be no order as to costs.

(S. S. Saron)
Judge

22.12.2015
vcgarg/amit

(Amol Rattan Singh)
Judge