

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

CWP No.15287 of 2015

Date of Decision: 14.09.2018

Bachan Singh and others

.....Petitioner

Vs.

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Shalender Mohan, Advocate, for the petitioners.

Mr.Kiran Pal Singh, AAG, Haryana.

Mr.Raghubir Tejpal, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Petitioners are seeking directions to the respondent No.2 for conducting the interview of the petitioners for the post of VLDA (Veterinary Livestock Development Assistant) for employment notice dated 16.06.2015 (Annexure P-1) for the schedule declared for 28.07.2015 to 30.07.2015 (Annexure P-4) and further direction to respondents No.1 and 2 to consider the Diploma in Veterinary Livestock Development Assistant issued by respondent No.3 as equivalent as in the state of Haryana.

Learned counsel for the State has informed that the Division Bench of this Court in CWP No.25485 of 2015 decided on 17.05.2017, the petitioners have questioned the validity of Clause at Sr.No.27 of Appendix 'B' of the Haryana Veterinary Headquarter & Field (Group C) Service Rules, 1999, as amended vide notification dated 28.02.2011. A perusal of the para-10 of this judgment shows that there is hardly any quarrel that the Veterinary

Council of India and the State Veterinary Council have been established

under the provisions of the Indian Veterinary Council Act, 1984 which is a Central legislation. Section 2(e) of the Central Act defines 'recognized Veterinary qualification' to mean that 'any of the Veterinary qualifications included in the First Schedule or the Second Schedule'. Under Section 15 of the Act only those qualifications which are included in the First Schedule can be recognized as valid Veterinary qualifications. Section 30 of the Act is couched in negative language and it provides that no person other than a registered Veterinary practitioner shall hold office as Veterinary physician or surgeon or any other like office in Government or in any other institution maintained by a local or other authority or practise Veterinary medicine in any State subject to the permission accorded by the State Government to render minor Veterinary services under its proviso.

In the referred case, petitioner's claim that their diplomas have been recognized by UGC and therefore the State Government cannot ignore such recognition is liable to be discarded for yet another reason. The power to recognize a qualification in Veterinary Science is exclusively vested in the Veterinary Council of India and not UGC. Veterinary Council of India is a statutory body at par with any other professional authority like Medical Council of India, Dental Council of India or even UGC. It is the Veterinary Council of India alone who can recognize the qualification in Veterinary Sciences in view of the express power conferred upon it under Section 15 of the Act. The Veterinary Council of India has admittedly not recognized the diplomas relied upon by the petitioners. The recognition of diploma courses in Veterinary Sciences need not be confused with recognition of the universities who are said to have imparted these diplomas. While the

of the UGC Act, the diploma courses imparted by them cannot be validated unless such course is further recognized by Veterinary Council of India in exercise of its powers under Section 15 of the Act.

In the present case, written statement has been filed by respondents No.2 and 3 in which notification dated 28.02.2011 (Annexure R-1) has been placed on record in which the qualifications for recruitment to the post of Veterinary Livestock Development Assistant has been mentioned. Petitioners who are claiming to be considered for the post of VLDAs are not eligible as they got their certificate course in Associate Degree in Veterinary and Livestock Development (Annexure P-3) under Community College Scheme from HTS Community College at Kurukshetra/Gurgaon/Hisar affiliated to Indira Gandhi National Open University, New Delhi, which is not a recognized/approved institution as per Appendix-E of the Haryana Government Notification dated 28.02.2011 (Annexure R-1). It is further mentioned in the written statement that proviso of Section 30(b) annexed as Annexure R-5 of Indian Veterinary Council Act, 1984 gives right to a State Government to permit a person holding a diploma or a certificate of Veterinary Supervisor Stockman or Stock Assistant (by whatever name called) issued by the Directorate of Animal Husbandry (by whatever name called) of any State or any Veterinary Institution in India, to render under the supervision and direction of registered veterinary practitioner, minor veterinary services. Therefore, as per proviso of Section 30(b) of the abovesaid Act the respondent -State has a right to reject any diploma by whatever name it is called for the post of Veterinary Livestock Development Assistant which is not up to the standards required for the said post keeping in view its defined minor

veterinary services.

In view of the above, present writ petition is dismissed as the claim of the petitioners has been rightly rejected by the respondents.

(RITU BAHRI)
JUDGE

14.09.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No