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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 10.10.2019

+ W.P.(C) 9931/2017

DR. RAVINDER CHAUDARY AND ANR. Petitioners

versus

THE VETERINARY COUNCIL OF INDIA AND ANR.

..... Respondents

+ W.P.(C) 10595/2017

AMIT NAIN

..... Petitioner

versus

THE VETERINARY COUNCIL OF INDIA AND ANR

..... Respondents

+ W.P.(C) 478/2018 & CM APPL.2063/2018

DR RAVINDER CHAUDHARY

..... Petitioner

versus

THE VETERINARY COUNCIL OF INDIA & ANR

..Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. M.K. Singh with Mr. Aniruddh,
Advocates.

For the Respondent:

Ms. Maninder Acharya, ASC with Mr. Jasmeet
Singh, CGSC for UOI

Mr. Abhay Prakash Sahay with Mr. Rahul Kulhare,
Advocate.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners, in these petitions, seek declaration of the result of the election held for the post of Vice President, which was held on 06.04.2017, as also impugn Notification dated 12.01.2018, which had directed holding of election on 19.01.2018 of only the nominated members.

2. It is contended by learned counsel for the parties that the election was for the posts of President and Vice President in the Veterinary Council of India. and that the term of office was 3 years and even if the earlier term was counted, the period is already over.

3. Learned counsel for the petitioners contends that the respondents are not holding the election of the members who constitute the Veterinary Council of India, in terms of the Indian Veterinary Council Rules 1985 (hereinafter referred to as the Rules). Said Rules have been framed under the Indian Veterinary Council Act, 1984 (hereinafter referred to as the Act).

4. Ms. Acharya, learned ASG appearing for the Union of India

submit that because of the non holding of the election, the functioning of the Veterinary Council of India is being hampered.

5. All parties are at consensus that the election of the members of the Veterinary Council of India has to be held expeditiously.

6. Section 3 of the Indian Veterinary Council Act, 1984 stipulates as under:

3. Establishment and composition of the Council.—

(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Council to be called the Veterinary Council of India.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue or be sued.

(3) The Council shall consist of the following members, namely:—

(a) five members to be nominated by the Central Government from amongst Directors of Animal Husbandry (by whatever name called) of those States to which this Act extends;

(b) four members to be nominated by the Central Government from amongst the heads of veterinary institutions in the States to which this Act extends;

(c) one member to be nominated by the Indian Council of Agricultural Research;

- (d) *the Animal Husbandry Commissioner, Government of India, ex officio;*
 - (e) *one member to be nominated by the Central Government to represent the Ministry of the Central Government dealing with animal husbandry;*
 - (f) *one member to be nominated by the Indian Veterinary Association;*
 - (g) *eleven members to be elected from amongst themselves by persons enrolled in the Indian veterinary practitioners register;*
 - (h) *one member to be nominated by the Central Government from amongst the Presidents of the State Veterinary Councils of those States to which this Act extends;*
 - (i) *one member to be nominated by the Central Government from amongst the Presidents of the State Veterinary Associations of those States to which this Act extends;*
 - (j) *Secretary, Veterinary Council of India, ex officio.*
- (4) *The President and Vice-President shall be elected by the members from amongst themselves in such manner as may be provided by regulations.*
- (5) *Whenever there is a vacancy in the office of the President, the Vice-President shall discharge the functions of the President.*
- (6) *The names of persons nominated or elected as members shall be notified by the Central Government in the Official Gazette.*

(7) A person shall not be qualified for nomination or election to the Council unless he holds a recognised veterinary qualification.

7. Apart from the nominated members to the Council there are 11 elected members in terms of section 3(3)(g) of the Act. Firstly, the election of the eleven members has to be held and then election of the President and Vice President has to be held.

8. The election of the 11 members is to be held in accordance with the Rules.

9. With the consent of the parties, the petitions are disposed of with the following directions:-

(i) The Secretary of the Indian Veterinary Council shall prepare the Electoral Roll in terms of Rule 4 of the Rules, within a period of 3 months from today and thereafter forward the same to the Central Government, i.e., the competent authority for notifying the holding of elections of the 11 members in terms of Section 3(3)(g) of the Act;

(ii) The concerned authorities that have to nominate the other members shall nominate the members in terms of Section 3(3) of the Act, if not already done so;

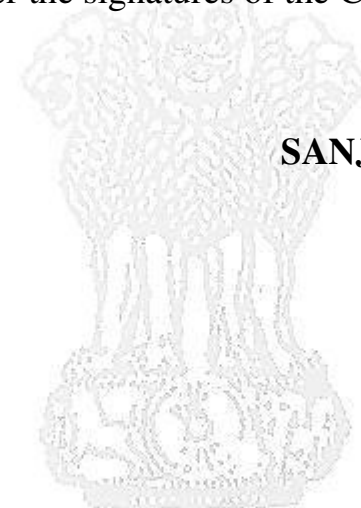
(iii) After the 11 members are elected in terms of Section

3(3)(g) of the Act and the other members are nominated, elections for the post of President and Vice President shall be held from the members constituting the Council in terms of Section 3(3).

10. Petitions are disposed of in the above terms.
11. List for reporting compliance on 30.01.2020.
12. Order *Dasti* under the signatures of the Court Master.

OCTOBER 10, 2019
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SANJEEV SACHDEVA, J



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