

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

239

**CWP-2509-2021 (O&M)
Date of Decision: 08.02.2023.**

CENTRE FOR ENVIRONMENT AND AGRICULTURE

... Petitioner

VERSUS

**GURU ANGAD DEV VETERINARY AND ANIMAL SCIENCE
UNIVERSITY**

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Rohit Sud, Advocate
for the petitioner.

Mr. Gursher Singh Bhandol, Advocate,
for the respondent

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition had been filed for seeking issuance of directions to respondent-University to withdraw the study published on 15.05.2020 and to take action against the faculty members of the respondent-University who published the said study containing false and fabricated results with ulterior motives.

A further prayer has been made for seeking issuance of directions to the respondent-University to decide the complaint dated 25.06.2020 (Annexure P-3) and the subsequent reminders submitted by the petitioner.

The matter was heard on 19.04.2021 when the following order was passed:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

This writ petition has been filed with the allegations that the study/report dated 15.05.2020 (Annexure P2) is inaccurate and a complete misrepresentation of facts. In this respect, petitioner submitted complaints dated 25.06.2020/28.07.2020 (Annexure P3/P6). Learned counsel for the petitioner submits that the respondent does not have any mechanism whatsoever to deal with the complaint challenging authenticity of the studies/reports (Annexure P-2).

Notice of motion to the said limited extent only, for 11.08.2021.”

Taking into consideration that the notice in the present case had been taken only to a limited extent so as to explore the possibility of the competent Authority of the respondent-University to evaluate the research submitted by the faculty, the merits of the case are not being examined at this juncture.

On resumed hearing, learned counsel for the petitioner has submitted that a controversy of similar nature had come up for hearing before the High Court of Delhi in Writ Petition (Civil) No.1380 of 2019 titled ‘M/s Crop Care Federation of India Vs. Indian Council of Medical Research (ICMR) and another.’ The aforesaid petition was disposed of vide order dated 03.11.2022. The order reads thus:-

“1. The only grievance which was raised in the present writ petition was a failure on the part of the respondents, namely,

Indian Council of Medical Research [ICMR] to attend to a complaint dated 21 August 2018 which is stated to have been made.

2. Learned counsel representing ICMR states that the complaint which was made by the petitioner had been duly examined by at Committee which had been constituted and which had found that there were no serious inaccuracies or misrepresentation of facts in the published research papers.

3. However, and since the complaint of the petitioner has not been formally disposed of and ICMR is yet to communicate its decision to the petitioner, this petition shall stand disposed of leaving it open for the ICMR to respond to the complaint and forward its formal response and decision in respect thereof to the petitioner with expedition. All rights and contentions of respective parties on merits are kept open.

NOVEMBER 3, 2022

YASHWANT VARMA J,”

Learned counsel for the petitioner submits that he would be satisfied in case similar directions are issued to the respondent-University as well.

Learned counsel for the respondent-University has no objection to the present petition being disposed of in terms of the directions as contained in the order dated 03.11.2022.

Accordingly, the present petition is disposed of with a direction to the respondent-University to constitute the Committee for Monitoring and Technical Evaluation of Research Activities within a period of 03 weeks from today and the said Committee shall thereafter examine the complaint and/or the reminders on the basis of material relied upon by the petitioner and convey its

decision thereupon to the petitioner within a period of six weeks thereafter. All rights and contentions of the respective parties on merits are kept open.

08.02.2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No