

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218 (05 cases)

(1) CWP-5434-2023
Date of Decision :-07.11.2023

Rohitash and others

...Petitioners

Versus

Union of India and others

...Respondents

(2) CWP-8793-2018 (O&M)

Vikas Kumar and others

...Petitioners

Versus

Union of India and others

...Respondents

(3) CWP-15353-2022

Subhash Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

(4) CWP-19154-2022

Pritam Kumar

...Petitioner

Versus

Union of India and others

...Respondents

(5) CWP-28002-2018

Mukesh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Anu Chatrath, Senior Advocate with
Ms. Divya Sharma, Advocate for the petitioners
in CWP-8793-2018 & CWP-28002-2018.

Mr. Sunil K. Nehra, Advocate for the petitioners
in CWP-5434-2023.

Mr. Parveen Chauhan, Advocate for the petitioners
in CWP-19154-2022

Mr. Suresh Ahlawat, Advocate for the petitioners
in CWP-15353-2022.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. By this common order, the bunch of writ petitions, details of which have been given in the head note, are being disposed of as all the writ petitions involve the same question of law on similar facts.

2. For the purpose of this order, facts are being taken from **CWP-5434-2023 titled as Rohitash and others vs. Union of India and others.**

3. The Haryana Staff Selection Commission issued an advertisement No.07/2015 inviting the applications for various posts including 797 posts of Veterinary Livestock Development Assistant (hereinafter referred to as 'VLDA') and the qualification prescribed to be

eligible to compete for the said post was as under:-

(i) Matric or its equivalent from any recognized University/Board/Institution.

(ii) Two years veterinary Livestock Development Assistant Diploma Course from Chaudhary Charan Singh, Haryana Agriculture University, Hisar or any other Institution recognized/.approved by the Haryana Government.

Note: Recognized universities by Govt. of Haryana as per notification dated 28.02.2011 (see at Website www.Pashudhan.haryana.gov.in).

(iii) Hindi/Sanskrit upto Matric standard or Higher Education.

4. Petitioners applied in pursuance to the said advertisement for appointment to the post in question but they were declared ineligible on the ground that they did not fulfill the requisite qualification as they do not have diploma from the institution/university, which is recognized or approved by the Haryana Government. Rejection of the petitioners along with other candidates was challenged by the petitioners by way of filing **CWP-25485-2015 titled as Kuldeep vs. State of Haryana and others** .

The said writ petition along with other 57 connected writ petitions was decided by the Division Bench of this Court vide order dated 17.05.2017 (Annexure P/11) wherein, it has been held that the recognition of qualification is a subject matter, which lies with the State and in case State or Veterinary Council of India has not recognized certain qualification, the same cannot be interfered with by this Court keeping in view the fact that more than 30 qualifications from different institutions have been recognized by the Veterinary Council of India for the post in question. In those proceedings itself, the Division Bench of this Court has held that recognition of diploma courses in veterinary sciences need not to be confused with recognition of the universities, which are said to have imparted these

diplomas courses and mere recognition of universities as deemed universities under Section 3 of the UGC Act cannot validate a diploma courses imparted by them till the said diploma courses are recognized by the Veterinary Council of India in exercise of its powers under Section 15 of the Act.

Before the Division Bench, a prayer was made that certain candidates have obtained their diplomas from the institutions, which are duly recognized institutions as mentioned in Appendix (E) of the Haryana Veterinary Headquarter & Field (Group C) Services Rules, 1999 Rules (in short '1999 Rules') but still those candidates were not treated eligible for the post in question as nomenclature of the diplomas is different and an opportunity was granted to those candidates to represent their grievance to the Director General, Animal Husbandry, Haryana. It was further directed by the Division Bench to constitute a team of three experts to examine the curriculum/syllabus of these diplomas vis-a-vis diplomas in VLDA courses and in case it is found that the diploma courses are broadly the same, the candidates who filed the representations be treated eligible irrespective of the nomenclature of the diplomas. Time frame of two weeks was granted to the committee to examine the said issue and to make the report.

5. The said decision of the Division Bench of this Court was challenged by certain candidates before the Hon'ble Supreme Court of India.

6. Keeping in view the directions given by the Division Bench of this Court, a committee of three experts was constituted to look into the grievance of the petitioners and equivalence of their diplomas as directed by the Division Bench of this Court vide order dated 17.05.2017 passed in CWP-25485-2015 and ultimately a report, copy of which has been appended

as Annexure P/13 was given by the experts committee. The committee looked into the aspects including the diplomas obtained by the petitioners from the Rajasthan University of Veterinary and Animal Sciences, Bikaner and ultimately found that diplomas being imparted by the said university is not equivalent to the diploma, which is required under the Veterinary Council of India Act, 1984 and rejected the claim of the petitioners so as to treat them eligible for the post in question i.e. VLDA, which was advertised by the Haryana Staff Selection Commission vide advertisement Annexure P/10. In the present petitions, the challenge is to the said report of the experts committee i.e. Annexure P/13.

7. It may be noticed that after the challenge to the experts committee report before this Court, a special leave petition which was preferred against the judgment of the Division Bench of this Court dated 17.05.2017 in CWP-25485-2015 was disposed of by the Hon'ble Supreme Court of India with the observation that once the matter is pending before this Court qua challenge to the report of the experts committee, no further orders are required to be passed by the Hon'ble Supreme Court of India.

8. Learned counsel appearing for the petitioners argues that in the present case, the names of the institutions where some of the petitioners initially sought admission are duly mentioned in Appendix (E) of the Haryana Veterinary Headquarter & Field (Group C) Services (Amendment) Rules, 2011 (in short, '2011 Rules') and that being the factual aspect, merely that there is a change in the nomenclature of the institutions later on, the same cannot take away the right of the petitioners to be treated as eligible under the 2011 Rules so as to compete for the post in question as advertised vide advertisement No.07/2015 (Annexure P/10). Learned

counsel for the petitioners further submits that the experts committee had wrongly gone into the question of equivalence of diploma, which was not the jurisdiction of the committee as once the name of the institution where the petitioners had got admission was part of the Appendix-(E) of 2011 rules, the petitioners are deemed to be considered eligible for all intent and purposes.

9. Learned Senior counsel appearing for the petitioners submits that report of the expert committee cannot be treated as valid report as the declining of equivalence of the diploma on the ground that the requirements as envisaged under the Veterinary Council of India Act, 1984 or under the 2011 Rules has wrongly been dealt with and the same cannot be made basis so as to reject the claim of the petitioners qua the eligibility to compete for the post advertised vide advertisement No. 07/2015 (Annexure P/10.)

10. Learned counsel for the respondents on the other hand submits that once the experts committee has been constituted under the orders of the Division Bench of this Court and the said experts committee has made recommendations, this Court will not have jurisdiction to comment upon the recommendations of the experts committee in any manner as equivalency of qualification can only be prescribed/described by the experts subject to the acceptance of the same by the employer i.e. State and once the State has accepted the report of the experts committee, this Court, which does not have any expertise, cannot accept the prayer of the petitioners to hold that the report of the experts committee is bad on any account.

11. I have heard learned counsel for the parties and have gone through the record with their able assistance.

12. Keeping in view the facts, which have been noticed

hereinbefore, it is clear that issue qua the eligibility of the petitioners was decided by the Division Bench of this Court while passing order in *Kuldeep (supra)*. In the said order dated 17.05.2017, a Division Bench of this Court has categorically held that the issue qua the recognition of qualification and eligibility is to be prescribed by the Veterinary Council of India, which is to be followed by the State Government. Further, in para-15 of the said judgment, it has been held by the Division Bench that power to recognize the qualification in Veterinary sciences is exclusively vested in the Veterinary Council of India and not in the UGC. It has been further held by the Division Bench that diploma courses in veterinary sciences need not to be confused with recognition of the universities from where the said diploma/education are imparted. A finding has been reached by the Division Bench that universities may have been given recognition as deemed universities but diploma being imparted by the said universities might not be recognized by the Veterinary Council of India under Section 15 of the relevant Act. That being so, unless and until a qualification of diploma is recognized by the Veterinary Council of India, no benefit of the said diploma can be given to the petitioners.

Nothing has been brought to the notice of this Court that the diploma in question acquired by the petitioners is recognized by the Veterinary Council of India so as to treat the petitioners eligible. Furthermore, the same question of fact qua the nomenclature of the institution/diploma was raised before the Division Bench of this Court, which issue was referred by the Division Bench to the three members experts committee with the clear intent that the said experts committee will examine the curriculum/syllabus of the petitioner's diploma vis-a-vis

diplomas required for appointment as VLDA and if it is found that the diploma courses done by the petitioners are broadly the same as envisaged under the Act, the petitioners are to be treated eligible for the post in question. The said experts committee examined the diplomas possessed by the petitioners qua the curriculum/syllabus, which have been undertaken while getting those diplomas with the curriculum required under the Act and the experts committee has given a specific finding that diplomas obtained by the petitioners were not commensurate with the diplomas as required by the Veterinary Council of India to be eligible for appointment as VLDA. Once the said observation by the experts committee has already been given, the matter is to rest there without there being any action on the part of the petitioner or on the part of the Court to disturb the said observations.

13. It is a settled principle of law settled by the Hon'ble Supreme Court of India in *Civil Appeal No.6045-2008 titled as B C Mylarappa @ Dr Chikkamylarappa vs Dr R Venkatasubbaiah and Others, decided on 02.10.2008*, that the opinion of the experts cannot be interfered with by the Court, which has no expertise to evaluate the same hence, in the absence of any expertise with the Court, the claim of the petitioners qua the recommendations made by the experts committee through its report is liable to be declined as the same cannot be appreciated by this Court. As per the direction of the Division Bench of this Court, the issue qua equivalency of diploma has been examined by the experts committee keeping in view the curriculum/syllabus, which the petitioners had undergone while obtaining the qualification in question and ultimately the recommendations have been made that the petitioners cannot be treated eligible so as to compete for the post as advertised vide advertisement Annexure P/10.

14. That being so, this Court cannot interfere with the recommendations/observations of the experts committee which have been challenged in the present petitions. In the present bunch of petitions, challenge is to the recommendations of the experts committee on merits and not to the procedure followed hence, this Court will not interfere with regard to the findings recorded by the experts committee qua the curriculum/syllabus of the diplomas vis-a-vis diplomas in VLDA courses.

15. Keeping in view the facts and circumstances as well as settled principle of law noticed hereinbefore, no interference by this Court is made out and all the writ petitions are accordingly dismissed.

16. Civil miscellaneous application pending if any, is also disposed of.

17. Copy of this order be placed on the file of connected cases.

November 07, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No