

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108-I LPA-219-2024 (O&M)
Date of decision:22.07.2024

Lajja Ram and othersAppellants
Versus
Union of India and others ...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rao Ajender Singh, Advocate
for the appellants.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

DEEPAK SIBAL, J.(ORAL)

1. Through advertisement No. 7/2015 published on 10.07.2015 the Haryana Staff Selection Commission (for short – the Commission) invited applications for appointment against several posts including 797 posts of Veterinary Livestock Development Assistant (for short – VLDA). One of the required academic qualifications for the post of VLDA was the possession of a 2 year VLDA diploma course from an institution approved/recognized by the State of Haryana. Since all the appellants possessed a two year diploma course in Animal Husbandry from the Rajasthan University of Veterinary and Animal Sciences, Bikaner which was not recognized by the State of Haryana, their candidature was rejected by the Commission against which, the appellants knocked the doors of this Court through CWP-24664-2015 which was disposed of on 17.05.2017 with a direction to the State to constitute a team of three Experts to examine the curriculum/syllabus of the diplomas possessed by the appellants viz-a-viz



the diplomas which were prescribed under the advertisement with a further direction that if the appellants' diploma course is found to be broadly the same as the prescribed Diploma Course then to consider them eligible irrespective of the nomenclature of the Diploma Course in question. The judgment of this Court dated 17.05.2017 attained finality.

2. The Expert Committee constituted by the State, in terms of the aforesaid judgment of this Court dated 17.05.2017, examined the curriculum/syllabus of the diplomas possessed by the appellants and that of the diploma prescribed in the advertisement in question and opined that both were substantially different. Based on the opinion given by the Expert Committee, the State through its order dated 24.10.2017, rejected the appellants' candidature for appointment as VLDAs. The appellants once again petitioned this Court seeking quashing of the order of the State dated 24.10.2017. A prayer for issuance of directions to consider them eligible for appointment as VLDAs was also made. A learned Single Judge of this Court was of the view that this Court would not be justified to interfere with the opinion of the Expert Committee and therefore, dismissed the appellants' petition. It is in these circumstances that the appellants have preferred the present intra Court appeal.

3. Learned counsel for the appellants contends that the report of the Expert Committee holding the appellants' diploma to be deficient was an arbitrary finding as the subjects on which the appellants' diploma had been found to be lacking had been introduced in the State of Haryana only in the year 2016 i.e. after the date of the advertisement in question and that though English was not a subject in the diploma possessed by the appellants

but in this regard they could not be found lacking as they had studied the subject of English in their Higher Secondary Examinations.

4. In the advertisement dated 10.07.2015, the prescribed qualifications for VLDAs was as follows:-

Animal Husbandry & Dairying Department, Haryana	
Cat No.14.	797 posts of Veterinary Livestock Development Assistant (Re-Advertised) GEN=198, SC=133, BCA=106, BCB=58, SBC=78, EBPG=79, GEN=51(5backlog), ESM SC=20(4 backlog), ESM BCA=17 (1 backlog), ESM BCB=24, OSP GEN=7, OSP SC=8, OSP BCA=4, OSP BCB=4, Total=797, PHC VH=23 (15 backlog), OH=22 (15 backlog), HH=23 (15 backlog)
E.Q.	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 Agricultural University 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.
Age:	17-42
Pay Scale:	9300-34800+3600 GP

5. Thus, one of the required academic qualification was that a candidate should possess a 02 years VLDA diploma course but since the appellants possessed a 02 years Diploma Course in Animal Husbandry, their candidature was rejected resulting in their petitioning this Court through CWP-24664-2015 which petition of theirs was disposed of by a Co-ordinate Bench on 17.05.2017. The operative portion of the said judgment reads as under:-

“(17). There are some writ petitions including CWP No.24664, 25266 of 215, 5346 of 2016 claiming that the institutions from where the petitioners have obtained their Diplomas are duly recognized under Appendix-E of the 1999 Rules. The writ-petitioners, however, have not been treated eligible for the post of VLDAs due to difference in nomenclature of the Course. Liberty is granted to such writ-petitioners to represent the Director General, Animal Husbandry, Haryana, who, in turn, is directed to constitute a team of three experts to examine the curriculum/syllabus of these Diplomas vis-a-vis Diplomas in VLDA Course and if it is found that their Diploma Courses are broadly the same, let these petitioners be treated eligible irrespective of the nomenclature of the Diplomas. Such an



exercise shall be undertaken within a period of two weeks from the date of receipt of certified copy of this order.”

6. In compliance with the afore quoted direction, a Committee of three Experts was constituted to examine as to whether the curriculum/syllabus of the diplomas possessed by the appellants viz-a-viz the diplomas prescribed under the advertisement in question to determine if they were broadly the same. The Expert Committee gave its report in the negative on the basis whereof, the State through its order dated 24.10.2017 finally rejected the appellants' candidature. The relevant portion of the order dated 24.10.2017 is reproduced below for reference:-

“As per report of the expert committee the subjects of Anatomy & Physiology are lacking in the all important topic of Central Nervous System in the course contents of RAJUVAS Bikaner, which is of utmost importance in providing minor veterinary services as envisaged in Section 30(b) of Indian Veterinary Council Act 1984. The expert committee in its report has further observed that the subjects of English & Animal Products Technology are totally missing in the course contents of RAJUVAS Bikaner. The missing subject of English in RAJUVAS course content creates practical problems in dispensing and delivery of different medications prescribed by qualified registered veterinary practitioners in the state. Likewise the subject of Animal Products Technology (which is missing in RAJUVAS course content) is quite essential for making dairying enterprise more enumerative for farmers as well as to provide safe quality food to consumers at an affordable price. Expert committee has also observed that RAJUVAS Bikaner course content is devoid of equine related topics, which is essential in providing minor veterinary services to the equine species. The topic of Bio-medical waste management is missing in the Bikaner course content, without which the bio medical waste generated during curative, prophylactic, diagnostic and breeding services provided to animals cannot be managed. The affiliation guidelines for the institutions desirous of affiliation with LUVAS Hisar are more elaborative & descriptive as compared to RAJUVAS Bikaner, which ensure quality education during the course of diploma. Apart from the above, there are many other aspects of course content & syllabus lacking in the diploma course imparted by Rajasthan University of Veterinary and Animal Sciences, Bikaner in comparison with that of Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar.

Significant differences have been reported by the committee of experts, which infers that curriculum & syllabus of the 2 years-diploma course by LUVAS Hisar is more descriptive, elaborative, practical approach oriented and fulfill the requirement of Haryana Govt for the implementation of its notified minor veterinary services and is as per requirement of the Haryana State plans, schemes and programmes in Animal Husbandry sector.

As per report of the expert committee the curriculum and syllabus of the Animal Husbandry Diploma imparted by Rajasthan University of Veterinary and Animal Sciences (RAJUVAS) Bikaner is significantly different from that of Veterinary Livestock Development Diploma imparted by Lala Lajpat Rai University of Veterinary and Animal Sciences (LUVAS) Hisar and does not fulfil the requisite qualification for the post of Veterinary Livestock Development Assistant (VLDA) in Haryana. Therefore, on the basis of report of the expert committee you clients are not eligible for the said post.”

(Emphasis supplied)

7. It is thus clear that when compared with the Diploma prescribed in the advertisement, the Expert Committee found the diploma possessed by the appellants to be lacking with regard to several essential topics.
8. In the light of the above, we find no error in the impugned judgment through which the learned Single Judge has refused to substitute his own opinion over the opinion of the Experts especially when no malafides have even been raised by the appellants and no perversity in the report of the Expert Committee has also been pointed out.
9. Dismissed.
10. Pending miscellaneous applications(s) shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.07.2024
Sapna

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No