



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2848-2022
Reserved on 18.07.2024
Pronounced on: 22.08.2024

Dr. Jagveer Rawat

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

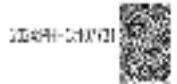
CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Nitin Kant Setia, Advocate for the petitioner
Mr. Ravinder Singh Budhwar, Addl. AG, Haryana
Mr. K.K. Gupta, Advocate for respondents no.2 to 5
Mr. Sumit Narang, Advocate for respondents no.6 and 7

TRIBHUVAN DAHIYA, J.

The petition has been filed seeking a writ of *certiorari* setting aside the order dated 20.01.2022, Annexure P-3, whereby the fifth respondent has been appointed as Vice-Chancellor of the second respondent/University. Further, a writ of *mandamus* has been sought directing the official respondents to initiate the process of appointment afresh in accordance with the University Act.

2. The University was established under Lala Lajpat Rai University of Veterinary and Animal Sciences Act, 2010 (hereinafter referred to as 'the Act'). On expiry of the term of outgoing Vice-Chancellor, the process to select and appoint a new person was initiated. Distinguished veterinarians



submitted applications for the post which included the petitioner as well. A list of applicants along with their bio-data, Annexure R-2/1, was prepared.

2.1. The 28th meeting of the Board of Management under the chairmanship of Chief Secretary, Government of Haryana, was scheduled for appointing a new Vice-Chancellor, on 20.01.2022 at 03:00 pm in the committee room of Haryana Niwas, Chandigarh. The seventh respondent, who was an official member of the Board in the capacity as Deputy Director General (Animal Science), Indian Council of Agricultural Research (ICAR), New Delhi, requested to join the meeting online through video conferencing. Accordingly, the University Registrar asked National Informatics Center (NIC) to provide necessary link/facility for the purpose, vide email dated 18.01.2022, Annexure R-2/2. The weblink for video conferencing was, thereafter, mailed to the seventh respondent by the Deputy Registrar vide email dated 19.01.2022, Annexure R-2/3.

2.2. The Board meeting was held as scheduled on 20.01.2022 at 03:00 p.m., wherein the seventh respondent was virtually present through the link provided by the University. There were three agenda items placed before the Board; 1. confirmation of proceedings of the 27th meeting of the Board of Management held on 16.07.2021; 2. action taken report on the proceedings of the 27th Board meeting; B-3. appointment of Vice-Chancellor of the University. The first agenda item was 'confirmed', and the second one was 'noted', regarding the third item, the Board considered twenty-one applications that were received in the Registrar's office, and 'unanimously' decided to appoint the fifth respondent as Vice-Chancellor with effect from the date he takes over as such, for a period of four years or till attaining sixty-

five years of age, whichever was earlier. Relevant extracts of proceedings of the Board meeting dated 20.01.2022, Annexure R-2/4, is as under:

After considering the applications placed before it, the Board in exercise of powers conferred under Section 13 (a) & 20 (1) of Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar Act, 2010 read with Clause-2 of Chapter-III unanimously decided to appoint Dr. Vinod Kumar Verma, Prof. & Head, Department of VPTX, LUVAS, Hisar as Vice-Chancellor, LUVAS, Hisar w.e.f. the date he takes over as such for a period of four years or till he attains the age of 65 years, whichever is earlier, on usual terms and conditions.

The Board deeply appreciated the services and contributions made by Dr. Gurdial Singh in discharging his duties.

The meeting ended with a vote of thanks to the Chair.

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|--|--|
| 1. Sd/-
Sh. Sanjeev Kaushal, IAS
Chief Secretary, Govt. of Haryana,
Chandigarh | 6. Sd/-
Sh. T.V.S.N. Prasad, IAS
Additional Chief Secretary to Govt. of
Haryana, Finance Department, Civil
Secretariat, Chandigarh |
| 2. Sd/-
Sh. Pankaj Agarwal, IAS
Commissioner & Secretary to Govt. of
Haryana, Animal Husbandry &
Dairying Department, Chandigarh | 7. Dr. B.N. Tripathi (joined through VC)
Deputy Director General
(Animal Sciences)
ICAR, New Delhi |
| 3. Sd/-
Dr. Naveen Kumar, 10 B/2, New
Campus, CCSHAU, Hisar | 8. Sd/-
Dr. Jaipal Tanwar, Samalakha,
Panipat |
| 4. Sd/-
Sh. Sandeep Jhimjha, VPO Tejakhera,
District Sirsa | 9. Sd/-
Smt. Neelam Arya, Village Naugawan,
Metanhail, Jhajjar |
| 5. Sd/-
Dr. Umesh Batra, Poshtik Milk Products
Pvt. Ltd., Hisar | Sd/-
Registrar-cum-Member Secretary |

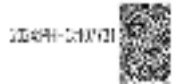
Draft orders are added herewith for signature, please.

Sd/-
20.01.2022
Dy. Registrar

Sd/-
Registrar
20.01.2022

2.3. The same day, the Registrar issued order of appointment dated 20.01.2022, Annexure R-2/5, which reads as under:

In exercise of the powers conferred under Section 13(a) and 20 of Lala Lajpat Rai University of Veterinary and Animal



Sciences Act, 2010, read with Clause 2 of Chapter-III of LUVAS Statutes, the Board of Management, LUVAS, Hisar, in pursuance of the unanimous decision taken vide item no. B-3 of its 28th meeting held on 20.01.2022, hereby appoints Dr. Vinod Kumar Verma, Professor & Head, Department of VPTX, House No. 971, Sector-16-17, Hisar as Vice Chancellor of Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar w.e.f the date he takes over as such on the following terms and conditions:

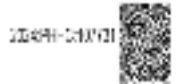
Pursuant to decision of the Board, the fifth respondent took over the charge as Vice-Chancellor with effect from 21.01.2022, vide joining letter Annexure R-2/6.

2.4. That very day, on 21.01.2022 at 08:58 a.m., the seventh respondent sent an email to the Deputy Registrar of the University, with a copy thereof to members of the Board, viz., Chief Secretary, Additional Chief Secretary Finance Department, and Commissioner & Secretary Animal Husbandry & Dairying Department, with reference to the 28th Board meeting held on 20.01.2022 wherein he participated as an official member from ICAR. The email conveyed that he did not extend consent to the selection of Vice-Chancellor; it reads as under:

Dear Registrar,

This has reference of 28th Board of Management meeting of LUVAS, Hisar, held in Chandigarh yesterday on 20.01.2022, wherein I participated as an official member from Indian Council of Agricultural Research (ICAR), New Delhi.

Following the appropriate Covid behaviour, I preferred to join the meeting online for which I was permitted. Perhaps like other members, I received the agenda items and merely a list of 21 candidates and their affiliations without any bio-data for the post of



Vice-chancellor of LUVAS, Hisar. There was neither screening nor short listing of candidates for deliberation.

Proceedings of the meeting were very short (only for few minutes) and there was absolutely no discussion. Surprisingly, I was muted (microphone disabled) from the host side. I was not given an opportunity to express my views. I am not sure if other members were given opportunity to speak. Therefore, my conscience does not allow me to extend my consent on the selection of worthy Vice Chancellor of LUVAS. This university has been once a Centre of Excellence of Veterinary Education & Research in the country, when it was a part of Haryana Agricultural University.

The email was seen by the concerned members of the Board, as is apparent from the side noting on the copy of email, Annexure R-2/7, itself.

2.5. The petitioner challenged the appointment of Vice Chancellor by filing the instant petition, dated 08.02.2022, and notice was issued to the respondents vide order dated 15.02.2022.

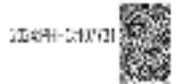
2.6. Thereafter, the 29th meeting of the Board of Management was held on 29.03.2022 at Haryana Civil Secretariat, Chandigarh. Agenda for the meeting was circulated vide communication dated 24.03.2022, Annexure R-2/8. As per proceedings of the meeting, Annexure R-2/9, the Board vide agenda item B-3, confirmed the proceedings of its 28th meeting held on 20.01.2022 by recording as under:

The Board confirmed the proceedings of its 28th meeting held on 20.01.2022.

However, the Board was apprised that a CWP bearing No.2848 of 2022 has been filed in the Hon'ble High Court of Punjab and Haryana with regard to appointment of Vice-Chancellor.

3. In this factual background, learned counsel for the petitioner has *firstly* submitted that the appointment of fifth respondent as Vice-Chancellor of the University is illegal since there was no unanimity among the Board members for appointing him. And as per the procedure prescribed in Section 20(1) of the Act, Vice-Chancellor is required to be appointed by the Board unanimously. However, in this case the seventh respondent did not consent to the selection, still the appointment order was issued which is unsustainable being contrary to the statutory provisions. The seventh respondent, who was appearing virtually through video conferencing, was muted during the proceedings by the host side/University and was not given the opportunity to express views. Therefore, he conveyed his dissent vide email dated 21.01.2022, which was arbitrarily ignored. *Secondly*, learned counsel has contended that the 28th meeting of the Board for selecting Vice-Chancellor was held on 20.01.2022, and its minutes were confirmed by the Board in its next/29th meeting held on 29.03.2022. Before confirmation of the minutes, the appointment letter could not have been issued. On this account also, the appointment is illegal. In fact, the entire exercise to select the Vice-Chancellor was carried out in a tearing hurry, as on the date of Board meeting itself, the letter of appointment was issued and the fifth respondent joined in response thereto, the next morning. This also shows *mala fide* intent of the Board in selecting him.

4. Learned counsel for the University, on the contrary, contends that there is nothing illegal or irregular about the appointment of fifth respondent. The entire exercise was carried out in a fair and *bona fide* manner. Intimation regarding the meeting, along with its agenda, was sent to the seventh respondent within time, and his request for being present in the meeting



virtually through video conferencing was also accepted by sending him a link for the purpose. He attended the 28th Board meeting on 20.01.2022, but did not give his dissent in the meeting. It was conveyed the next day through email which could not be accepted, as by that time the proceedings were over. The meeting had ended with vote of thanks to the Chair on 20.01.2022, and no protest of any kind was raised by the seventh respondent till the end. As all the members physically present in the meeting had agreed to the selection and signed the proceedings as well, the decision was unanimous as required under Section 20 of the Act. The letter of appointment was rightly issued in terms thereof. He, however, does not deny that no effort was made to get the opinion/consent of seventh respondent during the selection proceedings, since there was no such requirement. *Secondly*, it has been contended by the learned counsel that the next Board meeting to confirm proceedings of its 28th meeting regarding selection of the Vice-Chancellor was held on 29.03.2022, but the seventh respondent chose to remain absent, and never objected to confirmation of the proceedings or dissented to it. This shows the dissent conveyed by him was an afterthought which was not to be acted upon in view of unanimous confirmation of proceedings of the 28th meeting in the 29th Board meeting held on 29.03.2022. *Thirdly*, it has been denied by the learned counsel that the petitioner was ever muted by the host side/University during the meeting on 20.01.2022. Control of the video conference facility was with the NIC, and not with anyone present in the Board meeting; therefore, the allegations are unbelievable. Relevant extract of the written statement, in line with the submissions made, is as under:

... It is absolutely wrong to say that respondent no. 6 was muted by the Chairman of the meeting or by any other person as the control

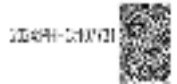
of the said system was with NIC and not with any of the person present in the meeting of the Board of Management. It appears to be an after thought mischief as during the course of meeting no objection or any communication was received on telephone or email etc. from the respondent no. 6 (now respondent no.7). The Board of Management accordingly unanimously decided to appoint respondent no. 5 as Vice Chancellor of the University with effect from the date he takes over as such for a period of four years. The proceedings of the meeting were duly signed by all the members of the Board who were physically present in the meeting and no objection was raised by the respondent no. 6 (now respondent no.7) through VC or through any other mode of communication i.e. telephone, email etc., during the process of the meeting, therefore, the decision was unanimous...

5. Learned counsel for the sixth and seventh respondent has referred to an affidavit, dated 02.05.2024, filed on behalf of the seventh respondent, who is presently Vice-Chancellor of Sher-e-Kashmir University of Agricultural Sciences and Technology (SKUAST), Jammu & Kashmir, to contend that he did not consent to the appointment of fifth respondent, and the selection was not unanimous. The relevant paragraphs of his affidavit read as under:

3. That the deponent received the agenda items and merely a list of 21 members and their affiliations without any bio-data for the post of Vice Chancellor of the LUVAS. There was neither screening nor shortlisting of candidates for deliberation.

4. That the proceedings in the meeting were very brief which lasted only for a few minutes and there was absolutely no discussion. The microphone of the deponent was muted (disabled) from the host side and the deponent was given no opportunity to express his views.

5. That since the deponent could not get his views recorded in the meeting held on 20.01.2022 due to the aforesaid reasons,



therefore, the deponent wrote an E-mail dated 21.01.2022 to The Registrar, Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar, Chief Secretary, Haryana, ACS, Finance Planning, Govt. of Haryana & Dr. Raja Shekhar Vundru and conveyed that deponent's conscience does not allow him to extend his consent on the selection of worthy Vice Chancellor of the university. Copy of the said E-mail dated 21.01.2022 is annexed herewith as Annexure R-7/1.

6. Submissions made by learned counsel for the parties have been considered.

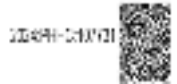
7. To decide the issue as to whether the appointment of fifth respondent as Vice-Chancellor of the University is in accordance with the statutory provisions, it is apt to refer to relevant sections of the Act, which are as under:

10. (1) The State Government shall, as soon as possible, after the commencement of this Act, constitute a Board for the management of the University.

(2) The Board of the University shall consist of the following official and non-official members-

Official members

- (a) the Vice-Chancellor;
- (b) the Chief Secretary to the State Government;
- (c) the Secretaries of the State Government in the Department of:-
 - (i) Animal Husbandry and Dairying; and
 - (ii) Finance;
- (d) Registrar;



- (e) the Deputy Director General (Animal Sciences) as a representative of the Indian Council of Agricultural Research;

Non-official members

- (a) persons not being officials, appointed by the State Government from amongst the following categories of persons, namely:
 - (i) a person who in the opinion of the State Government is an eminent Scientist in Veterinary, animal sciences, fishery sciences or allied sciences, with the background of research or extension education or development or administration;
 - (ii) two persons who in the opinion of the State Government are progressive farmers or live-stock breeders, having experience of, and interest in, scientific farming of live-stock, poultry or fishery and its improvement;
 - (iii) one person who in the opinion of the State Government is a distinguished industrialist and businessman associated with veterinary and animal husbandry development;
 - (iv) A Non-Resident Indian, having ancestral background in Haryana, who in the opinion of the State Government, is an eminent veterinarian; and
 - (v) a woman who in the opinion of the State Government, is an outstanding social worker, with a background of rural advancement and animal husbandry.
- (3) The Chancellor shall be the Honorary Chairman of the Board, the Vice-Chancellor shall be the working

Chairman and the Registrar shall be the Member Secretary of the Board.

(4) to (6) xxx xxx xxx

13. The Board shall have the following powers and duties, namely:

(a) to appoint the Vice-Chancellor;

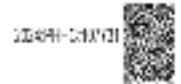
(b) to (k) xxx xxx xxx

20. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Board from amongst the distinguished veterinarians in the manner, as may be prescribed:

Provided that where the members of the Board are not unanimous with regard to the selection of the person, proposed to be appointed as the Vice-Chancellor, the appointment shall be made by the Chancellor on the advice of the Government from amongst the distinguished veterinarians: ...

(2) to (6) xxx xxx xxx

7.1. A reading of the statutory provisions shows that Section 10 requires the Government to constitute a Board for the management of University. It shall consist of official as well as non-official members; the official members include the Vice-Chancellor, Chief Secretary, Secretaries of the Departments Finance and Animal Husbandry & Dairying, Registrar, and Deputy Director (Animal Science) as a representative of the ICAR. All non-official members, which includes one eminent Scientist, two progressive farmers, one distinguished industrialist, one non-resident Indian having ancestral background in Haryana, and a woman social worker, are to be appointed by the Government. Sub-section 3 of Section 10 provides that the Chancellor shall be honorary Chairman of the Board, and the Vice-Chancellor shall be its working Chairman with the Registrar as Member Secretary. The



Board has the power to appoint the Vice-Chancellor as per provisions of Section 13; and Section 20 of the Act provides, the Vice-Chancellor shall be appointed from amongst distinguished veterinarians. In case the Board is not unanimous with regard to selection of the person proposed to be appointed Vice-Chancellor, the appointment shall be made by the Chancellor on the advice of the Government from amongst distinguished veterinarians.

7.2. So far as appointment of the fifth respondent as Vice-Chancellor is concerned, it was done pursuant to the 28th Board meeting held in Chandigarh on 20.01.2022, in the presence of nine official as well as non-official members; the Registrar, Member Secretary of the Board, recused himself from the meeting as he was one of the applicants for the post. As per the proceedings, the Board considered candidature of twenty-one applicants and ‘unanimously’ decided to appoint the fifth respondent as Vice-Chancellor for four years or till he attained the age of sixty-five years, whichever was earlier. The proceedings were signed by all the Board members who attended the meeting, except the seventh respondent who was present virtually. The letter/order of appointment in terms of the decision taken in the meeting was issued the same day, and the fifth respondent took charge as Vice-Chancellor the next day, on 21.01.2022.

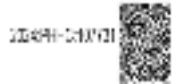
7.3. The undisputed fact on record is, the seventh respondent, who joined the proceedings virtually in his capacity as official member of the Board from the ICAR, did not give his consent to the appointment. It has also not been disputed by the University that no effort was made to get his opinion/consent during the selection proceedings. It is claimed that despite being present he did not express his opinion in any manner, neither through

email nor phone, which was required to be given in the meeting itself. The



dissent conveyed subsequently, vide email the next day, was of no consequence. The stand taken by the University is far from being fair and reasonable. Since the seventh respondent was present in the meeting virtually, it was incumbent upon the Board to take his opinion (consent or dissent) regarding selection of the person proposed to be appointed as Vice-Chancellor. Instead, the proceedings were concluded in cavalier fashion without bothering to record his opinion which is arbitrary.

7.4. Further, the facts are that the seventh respondent attended the meeting virtually as a senior veterinarian holding a responsible position in the ICAR, and was the only outside expert, as he did not belong either to the University or the Government. He got muted during the proceedings for one reason or the other. The only fact disputed by the University is that he was not muted by any one present in the Board meeting, as the control of video conferencing was with the NIC and not with the Board members. Without going into the issue as to who was responsible for muting him, it remains unchallenged that his link got snapped. Resultantly, the seventh respondent was not able to express his views regarding selection during the Board meeting. And he conveyed his dissent to the selection of fifth respondent the next day at 08:58 a.m., by sending an email for the purpose conveying that his conscience did not allow him to give consent for the reasons enumerated; that details about the candidates were not furnished, no shortlisting was done, no discussion took place, the meeting lasted only for a few minutes, and he was not allowed to speak/muted from the host side. The facts have also been reiterated by him in a duly sworn affidavit, dated 02.05.2024. This Court has no reason to disbelieve that he was unable to express himself in the Board meeting. Merely because the email was not sent during the meeting, in itself is



not sufficient to discredit the seventh respondent, especially when it was sent the next morning before the office hours.

7.5. Without going into the allegations of conducting the meeting in a slipshod manner, it stands established that the decision taken was not as per the statutory requirements. As stipulated by Section 20, the Board has jurisdiction to appoint a Vice Chancellor only by unanimous choice of its members. This makes it incumbent on the Board to seek and record views/opinion of all the members present, and take consent of each one of them before appointing a person, as failure of even one of the members to concur renders the Board without jurisdiction to make the appointment. In the instant case, the seventh respondent was present, but did not give concurrence; the fact is apparent from a bare perusal of the Board proceedings, dated 20.01.2022, reproduced hereinbefore, which do not bear signatures of the seventh respondent. Consequently, the selection on the face of the record was not unanimous. The unanimity is to be arrived at among the members attending the meeting, physically or virtually, and the responsibility to ensure recording of opinion and/or agreement also lies upon the Board as it derives jurisdiction therefrom; but admittedly no such effort was made. It establishes the Board deliberately gave scant regard to the mandatory provisions of Section 20. The stand taken by the University, *'since no objection was raised nor was any dissent conveyed during the proceedings, and all the members physically present in the meeting had given their consent, the decision was unanimous'*, is fallacious and a deliberate attempt to misread the statutory provision in a brazen attempt to justify its flagrant violation of law in appointing the fifth respondent. Absence of opinion or failure to object, cannot be equated to approval/consent, it is nowhere provided thus. The



statutory requirement, rather, is to appoint by unanimous choice of the Board members which has to be ensured. Besides, in the instant case, there are allegations that one of the members/seventh respondent was not permitted to give opinion. Instead of coming clean on the requirement of making unanimous choice for the appointment, the University has taken a delusive stand of presumed unanimity, which deserves outright rejection.

8. Let us consider the next submission by learned counsel for the University that failure of the seventh respondent to object to the selection proceeding in the next Board meeting on 29.03.2022, rendered his dissent meaningless. The 28th Board meeting was held on 20.01.2022 to select the Vice-Chancellor. The decision was taken to appoint the fifth respondent, and was executed the same day by issuing the letter/order of appointment dated 20.01.2022. Pursuant thereto, the fifth respondent took charge as Vice-Chancellor as well, the next day. The proceedings of the 28th Board meeting were confirmed in its next 29th meeting on 29.03.2022. Failure to attend or record dissent in the 29th Board meeting by the seventh respondent, cannot accord validity to the decision to select Vice Chancellor which is contrary to statutory provisions, as already discussed. Besides, the minutes of a meeting are confirmed to ensure that the deliberations and the decisions taken in it have been correctly recorded therein. Accordingly, absence of the seventh respondent from the 29th Board meeting was inconsequential. The selection by the Board could only have been made in line with the statutory provision, and no subsequent act or omission can provide legitimacy to the same.

9. Let us now consider the argument advanced by learned counsel for the petitioner, that though the decision to select the Vice Chancellor had

been taken in the 28th Board meeting on 20.01.2022, it could not have been

acted upon by appointing the fifth respondent unless the proceedings had been confirmed, which was done only in the 29th Board meeting on 29.03.2022. It is apparent from a reading of the provisions of Section 13(a) and 20(1) of the Act that Board is the competent authority to appoint Vice-Chancellor with unanimity. Its meeting for the purpose was held on 20.01.2022, and a decision was taken to appoint the fifth respondent as such. Since the Board is competent authority to take the decision, there cannot be any justification to defer its implementation till the proceedings/minutes are confirmed in the next meeting. The purpose of confirming the minutes, as already mentioned, is different and not meant to give effect to the decision already taken. Therefore, there is no substance in the argument and the appointment in question cannot be termed illegal or irregular because it was given effect to prior to confirmation of the minutes.

10. In view of the discussion, writ petition is allowed, and the impugned order, dated 20.01.2022, is set aside. The fifth respondent is directed to demit office forthwith by handing over charge to the senior most Professor in the University who shall work temporarily till any other arrangement is made by the competent authority. The University is directed to initiate fresh process for making appointment of the Vice-Chancellor in accordance with law. There shall be no order as to costs.

(TRIBHUVAN DAHIYA)
JUDGE

22.08.2024

Payal

Whether speaking/reasoned : Yes
Whether reportable : Yes