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

+ **W.P.(C) 5987/2024 & CM APPLs. 24835-36/2024**

DR. SANDIP VINAYAK INGLE & ANR. Petitioners

Through: **Mr. Anand Yadav, Advocate**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Vineet Dhanda, CGSC, UOI with Mr. Sidramppa, Director, DAHD, Dr. R.G. Bambal, Secretary, VCI and Mr. T.P. Singh, Asst. Secretary for VCI
Mr. Gigi C. George, Advocate for R-2 & R-3**

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Date of Decision: 03rd May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India challenging the appointment of Dr. R G Bambal¹, as Secretary of Veterinary Council of India ('VCI') by Respondent No. 1 *vide* office order(s) dated 31st January 2024 and 1st February, 2024. This petition also challenges the Office Memorandum dated 16th March, 2024 ('OM') issued by Respondent No. 1 constituting Advisory Committee of the VCI in exercise of the powers

¹ Joint Commissioner, Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India ('DAHD')



conferred under Rule 16 of Veterinary Council of India (Procedure for Recognition and De-recognition of Veterinary Qualification and Veterinary Colleges) Rules, 2017 ('VCI Rules').

2. The Petitioners are elected members of the Executive Committee of VCI and are admittedly entitled to continue in office until the fresh elections of VCI are held. The Petitioners are aggrieved by the Respondents' inaction in holding the fresh elections as directed by the learned Single Judge *vide* order dated 21st December, 2023 in W.P.(C) 16633/2023.

3. Petitioners are also aggrieved by the Respondents' wilful act and omission in not convening a meeting of the VCI to elect a President under Section 3(4) of the Indian Veterinary Council Act, 1984 ('Act of 1984') in terms of the directions issued by the learned Single Judge *vide* consensual order dated 21st December, 2023 in W.P.(C) 16633/2023.

3.1. Learned counsel for Petitioners states that the Respondents by willfully not complying with the consensual order dated 21st December, 2023 permitted the office of the President to fall vacant from 15th January, 2024 and by taking advantage of this omission wrongfully invoked its jurisdiction under Rule 16 of the VCI Rules and appointed the Advisory Council *vide* impugned OM dated 16th March, 2024.

3.2. He states that the Respondents' unilateral action of appointing the Advisory Council on 16th March, 2024 is wilful violation of the consensual order dated 21st December, 2023 in W.P.(C) 16633/2023. Admittedly, Respondents did not seek any permission from the learned Single Judge before appointing the Advisory Council.



3.3. He states that the Respondents had belatedly also filed a review petition² on 23rd April, 2024 before the learned Single Judge seeking relaxation of the direction with regard to the elections for the post of President and Vice President of VCI for the remaining terms until fresh elections are completed. However, the said review petition has been dismissed by the learned Single Judge *vide* order dated 26th April, 2024 and no relaxation as prayed for, has been granted.

4. Learned counsel for Respondents enter appearance and state that they have taken steps to implement the directions issued by the learned Single Judge *vide* order dated 21st December, 2023 and in furtherance thereof have issued a notification dated 15th March, 2024 appointing Hon'ble Ms. Justice Asha Menon (Retd.) as the Returning Officer for the elections of members scheduled to be held on 8th June, 2024. Respondents have placed on record the Notification dated 20th April, 2024 published by the Returning Officer announcing the schedule of the elections. Learned counsel for Respondents state that the election process has been set in motion.

4.1. They state that the Secretary, VCI did not convene a meeting for the election of the President as the posts held by nominated members in the VCI have been vacated due to completion of their tenure. However, the Petitioners have relied upon Section 5(2) of the Act of 1984 to contend that both the elected members as well as the nominated members continue to hold office until the successor has been elected or nominated, whichever is longer. The Petitioners, thus, contend that the Respondents have no just reason for not convening the meeting of the VCI for holding the election of the President in accordance with the directions in the consensual order dated 21st December, 2023.

² REVIEW PET. 176/2024 in W.P.(C) 16633/2023



5. We have heard the learned counsel for the parties and perused the record.
6. In view of the consensual order dated 21st December, 2023 and the subsequent order dated 26th April, 2024 passed in W.P.(C) No. 16633/2023, the action of Respondent No. 1 in appointing the Advisory Council is unsustainable. The Respondent No. 1 was bound by the order dated 21st December, 2023 to hold the meeting of the VCI on or before 14th January, 2024 for the election of the President so that the VCI can continue to discharge its function until the fresh elections are held.
7. The Respondents' unilateral action of not holding the meeting and thereby creating a hiatus when there was no President of the VCI post on 14th January, 2024 and then taking advantage of the said hiatus to appoint the Advisory Council *vide* impugned OM dated 16th March, 2024 is erroneous. The Respondents cannot be permitted to violate the binding directions of the learned Single Judge passed in W.P.(C) No. 16633/2023, more so, since they were consensual. Even before us, the Respondents concede that they have accepted the order dated 21st December, 2023 and implemented it by appointing the Returning Officer. Therefore, the Respondents have no basis for exercising their jurisdiction under Rule 16 of the VCI Rules for appointing the Advisory Council.
8. In view of Section 5(2) of the Act of 1984, the elected members and the nominated members continue to hold office until the new members are elected or nominated. Therefore, the grounds set out by the Respondents in the Review Petition for justifying to not call the meeting for the election of the President before 14th January, 2024, is without any merit.
9. We accordingly allow the present petition and quash the OM dated 16th March, 2024 and hereby direct the Secretary, VCI to call for a meeting of the



members of the VCI to elect the President and Vice-President under Section 3(4) of the Act of 1984, within five weeks from today and not later than 10th June, 2024. It is clarified that it is the members who are validly elected and/or nominated as on the date of the said meeting, will be entitled to vote at the said meeting.

10. It is further clarified that the process of election notified by the Returning Officer on 20th April, 2024 shall continue unhindered from the order passed today.

11. The Advisory Council appointed by Respondent No. 1 *vide* impugned OM dated 16th March, 2024 shall not discharge any functions hereafter.

12. It is clarified that the challenge to the appointment of the Secretary, VCI *vide* impugned order(s) dated 21st January, 2024 and 1st February, 2024 has not been examined in these proceedings and the said issue is left open.

13. Pending applications, if any, stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 3, 2024/rhc/ms