

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:050920-DB



Civil Writ Petition No. 23697 of 2023 (O&M)

Date of Decision: 21.04.2025

Gaurav Kumar and others

.....Petitioners

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL, JUDGE

Present : Mr. Sukhvinder Saini, Advocate and
Mr. Umesh Kaushik, Advocate, for the petitioners.

Mr. Himanshu Malik, Senior panel counsel for
Respondents No.1 and 3-UOI.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The petitioners, who are six in number, have completed their Veterinary & Live Stock Development Assistant course from respondent No.2 University. The grievance of the petitioners is against the impugned order dated 20.04.2023 (Annexure P-10) issued by Government of India, Ministry of Education, Department of Higher Education whereby the Central Government without entering into the merits of the matter was of the opinion that the claim under the representation of the petitioners does not fall within the jurisdiction of the Ministry of Education, Government of India and therefore, extended liberty to the petitioners to take up the matter with the concerned Departments/Councils of respective State Governments and Ministry of Fisheries, Animal Husbandry and Dairying for settlement of their grievances.

2. After the aforesaid order was passed by the Government of India on 20.04.2023, the petitioners without approaching the State Government have rushed to this Court by assailing the aforesaid order passed by the Government of India dated 20.04.2023 (Annexure P-10).

3. The facts of the case disclose that legality and validity of the diploma course imparted by respondent No.2 was questioned before a Division Bench of this Court in Civil Writ Petition No. 25485 of 2015 which came to be decided on 17.05.2017 in the following terms:-

“16). In the light of the above discussion, we do not find any merit in these writ petitions which are accordingly dismissed.

17) There are some writ petitions including CWP No.24664, 25266 of 2015; 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 to 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-à-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.

(18) Dasti.”

4. The petitioners feeling aggrieved by the aforesaid order passed by the Division Bench on 17.05.2017 (Annexure R-1) approached the Apex Court in Special Leave Petition (Civil) Diary No. 26458 of 2017 which came to be dismissed on 14.12.2018 vide Annexure R-2 in the backdrop of similar Special

Leave Petition bearing No. 19483 of 2017 having been dismissed on 10.11.2017. A similar petition was also dismissed by a Division Bench of this Court vide order dated 15.05.2018 (Annexure R-3) in Civil Writ Petition No. 12151 of 2018 which order was also upheld by Apex Court in Special Leave to Appeal (C) No. 24320 of 2018 vide order dated 22.11.2018 (Annexure R-4).

5. In the meanwhile, the decision rendered by a Division Bench of this Court on 17.05.2017 (Annexure R-1) was given effect to by constitution of a committee as directed therein, which submitted its report on 13.09.2007 (Annexure R-7) by observing that diploma certificate issued by respondent No.2 University is different and insufficient as compared to certificate issued by Chaudhary Charan Singh Haryana Agricultural University, Hisar. The Committee went to the extent of holding that the course imparted by respondent No.2 was without availability of basic facilities and infrastructure and thus seems to be fake and bogus and is fatal to public interest.

6. Thereafter this matter again came up before the Court of learned Single Judge in Civil Writ Petition No. 12458 of 2011 (Annexure R-5) which upheld the aforesaid decision of the Committee.

7. From the aforesaid factual matrix, it is obvious that the State Government is equipped with the expertise to gauge the genuineness and veracity of the diploma course. Whereas this Court is not equipped with the technical know how to decide as to which diploma course is suitable or not. We are not technical experts in the field of professional education.

8. However, this Court is of the considered view that the only window available to the petitioners is to approach the State Government in terms of the liberty extended by the Government of India vide impugned order dated 20.04.2023 (Annexure P-10).

9. With the aforesaid liberty, this petition stands disposed of without commenting upon the merits of the veracity of the legality of the diploma course in question.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

21.04.2025

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No/√