
(2014) 09 JH CK 0066
In the Jharkhand High Court
Case No : W.P.C. No. 5841 of 2013

Abhishek Anand

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 18-09-2014

Acts Referred:

Citation : (2014) 09 JH CK 0066

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Srijit Choudhary, G.A. and Sarvendra Kumar, J.C. to G.A. and A. Allam, Sr. Advocate and Nehala Sharmin, Advocate and A.K. Mehta, Advocate for the Respondent

Judgement

S. Chandrashekhar, J.—Seeking a direction upon the respondents to admit him for the Academic Session 2013-14 in B.V.Sc. & A.H. Degree Course, the petitioner has filed this writ petition.

2. The petitioner, who had earlier taken admission in BSc (Agriculture) at Bihar Agricultural University, Sabour, appeared in the Jharkhand Combined Entrance Competitive Examination, 2013 seeking admission in B.V.Sc. & A.H. Degree Course. The petitioner appeared in the entrance examination conducted on 08.05.2013 and he was declared qualified. He ranked 10th in the PCB group. Thereafter, the petitioner withdrew his admission from Bihar Agricultural University; Sabour and obtained College Leaving Certificate (CLC) on 21.06.2013 for taking admission in the B.V.Sc. & A.H. Degree Course under the Birsa Agricultural University, Ranchi. However, the petitioner was not granted admission and therefore, he approached the Controller of Examination, J.C.E.C.E.B., Ranchi who informed the petitioner that admission of PCB Group students in the Veterinary College is not being taken. On 02.07.2013, the Birsa Agricultural University also issued information in this regard which was displayed in the website. The petitioner contacted the respondent-authorities for his admission in B.V.Sc. & A.H. Degree Course for Academic Session 2013-14

however, he was not granted admission and therefore, in these facts the petitioner was constrained to approach this Hon''ble Court.

3. A counter-affidavit has been filed on behalf of the Registrar, Birsa agricultural University, Ranchi stating that in view of letter dated 17.04.2013, no admission in B.V.Sc. & A.H. Degree Course in the College of Veterinary Science and Animal Husbandry, Ranchi for the Academic Session 2013-14 was taken. Such decision was communicated to the Controller of Examination, J.C.E.C.E.B. vide letter dated 02.07.2013. It is further stated that the admission for the Academic Session 2013-14 has been stopped as Veterinary Council of India withdrew the recognition granted to the college because the college of Veterinary Science and Animal Husbandry, Ranchi does not possess the minimum teaching and non-teaching faculty. In this regard, the University informed the Principal Secretary, Department of Agriculture and Cane Development, Government of Jharkhand and the Principal Secretary, Higher Education, Government of Jharkhand vide letters dated 17.01.2009, 13.02.2010, 25.04.2013 and 06.05.2013 and letters dated 18.02.2013 and 01.04.2013 were also written to the Chief Secretary, Government of Jharkhand.

4. A counter-affidavit has been filed on behalf of respondent No. 4-J.C.E.C.E. Board stating that vide letter dated 11.12.2012, the Registrar, Birsa Agricultural University sent details of available seats for admission in different categories for the Academic Session 2013-14 and the respondent- Board thereafter prepared prospectus for admission in different courses. The recognition for B.V.Sc. & A.H. Degree Course was considered by the Veterinary Council of India vide minutes of meeting dated 07.10.2005. The Veterinary Council of India advised the University to provide necessary facilities at the college within one year failing which the Council would initiate the process of withdrawal of recognition of B.V.Sc. & A.H. Degree Courses and finally the Council vide letter dated 17.04.2013 addressed to the Principal Secretary, Animal Husbandry, Government of Jharkhand prohibited admission in B.V.Sc. & A.H. Degree Course for the Academic Session 2013-14.

5. The petitioner, in person, submitted that once the admission process was initiated by the respondents by conducting J.C.E.C.E., after declaration of result the respondents could not have denied the successful candidates admission in B.V.Sc. & A.H. Degree Course in the Academic Session 2013-14. He further submits that though he had already taken admission in Bihar Agricultural University, Sabour in BSc (Agriculture) courses in the Academic Session 2011-12, for better prospect once he found himself in the list of successful candidates, he withdrew his admission from Bihar Agricultural University, Sabour. Now, the respondents have denied admission to the petitioner in B.V.Sc. & A.H. Degree Course due to which the petitioner finds himself on the road. The respondents have acted negligently and they have ruined his career and other similarly situated students. It is further submitted that once the Veterinary Council of India had directed the respondents to take necessary steps for providing

necessary facilities failing which the recognition for B.V.Sc. & A.H. Degree Course would be withdrawn, the respondents were duty bound to take necessary steps in the matter. In these facts it is submitted that the respondents may be directed to commence B.V.Sc. & A.H. Degree Course in the Academic Session 2013-14 and he be admitted in the said Course.

6. Mr. A. Allam, the learned Senior counsel appearing for the respondent-University submitted that in view of the letter dated 17.04.2013 from the Veterinary council of India, no admission in B.V.Sc. & A.H. Degree Course in the Academic Session 2013-14 was taken. It is submitted that B.V.Sc. & A.H. Degree Course for the Academic Session 2013-14 has not been started and therefore, the petitioner cannot be taken admission in the said Course.

7. Mr. A.K. Mehta, the learned counsel appearing for the respondent No. 4 submitted that the University is bound by the directives issued by the State Government and in compliance of letter dated 17.04.2013, no admission in B.V.Sc. & A.H. Degree Course in the College of Veterinary Science and Animal Husbandry, Ranchi for the Academic Session 2013-14 was taken.

8. Mr. Srijit Choudhary, the learned counsel appearing for the State of Jharkhand submitted that in view of the withdrawal of recognition by the Veterinary Council of India, the University was directed not to take admission in B.V.Sc. & A.H. Degree Course for the Academic Session 2013-14.

9. I have carefully considered the submission of the petitioner-in-person and the counsel appearing for the respondents and perused the documents on record.

10. From a perusal of the counter-affidavits filed on behalf of the respondents, it appears that the respondents have tried to shift the blame on each other. The respondent- University has stated that it had written several letters to the Principal Secretary, Department of Agriculture and Cane Development and Principal Secretary, Higher Education as well as the Chief Secretary, Government of Jharkhand. The University has taken a stand that it is bound by the decisions of the State Government whereas, the respondent No. 4- J.C.E.C.E.B. has taken a stand that vide letter dated 11.12.2012, the University sent details of the available seats for admission in different categories for the Academic Session 2013-14 and thereafter, the respondent No. 4 started the process.

11. From the materials brought on record, one thing which clearly emerges in the present case is that the respondent- State of Jharkhand has not taken necessary steps in compliance of the minutes of meeting dated 07.10.2005 of the Veterinary Council of India. The Birsa Agricultural University is very important institution for the State of Jharkhand. It runs several important courses in Veterinary Science, Animal Husbandry etc. The withdrawal of recognition for B.V.Sc. & A.H. Degree Course is a serious loss to the State of Jharkhand. Though the petitioner has preferred this writ petition for redressal of his personal grievance. I find that the issues raised by the petitioner is of public importance. What steps were taken by the respondent- State of Jharkhand for providing

necessary facilities in order to avoid withdrawal of recognition of B.V.Sc. & A.H. Degree Course have not been brought on record. In the present case, it appears that the order withdrawing recognition of B.V.Sc. & A.H. Degree Course has not even been challenged by the respondents. Though vide letter dated 17.04.2014, when the recognition for B.V.Sc. & A.H. Degree Course was withdrawn, the process for admission in the said course continued and the result Was published. It was only on 02.07.2014 when the information was displayed on the website that no admission in the said course for the Academic Session 2013-14 would be taken.

12. In view of the aforesaid discussion, I am of the opinion that the respondent Nos. 1, 3 and 5 have acted in utter disregard to their constitutional and statutory duty and they have failed to ensure the welfare of the petitioner and other similarly situated students. For default on the part of the respondent Nos. 1, 3 and 5, the petitioner has suffered irreparable loss and injury which cannot be compensated in terms of money. Though, this Court cannot put the clock back and direct the respondents to admit the petitioner in B.V.Sc. & A.H. Degree Course for which recognition has been withdrawn by the Veterinary Council of India, the inaction on the part of the respondent Nos. 1, 3 and 5 needs to be deprecated. Though the writ petition is dismissed, the respondent- State of Jharkhand is directed to pay a sum of Rs. 50,000/- to the petitioner as damages. The respondent- State of Jharkhand is directed to take urgent necessary steps for recognition of B.V.Sc. & A.H. Degree Course by the Veterinary Council of India.