

(2011) 11 RAJ CK 0009

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2635 of 2011

Alok Kumar Meena and Others

APPELLANT

Vs

Rajasthan State Veterinary Council, Jaipur and Others

RESPONDENT

Date of Decision : 17-11-2011

Acts Referred:

Veterinary Council Act, 1984 — Section 12, 15, 15(1), 15(2), 16

Citation : AIR 2012 Raj 53 : (2012) 2 RLW 1806

Hon'ble Judges : Arun Mishra, C.J.;Narendra Kumar Jain, J

Bench : Division Bench

Advocate : N. K. Maloo, assisted by Vinod Tamoliya and Yudhisthir Rathore for Suresh Charan, for the Appellant; L. L. Gupta, V. S. Gurjar, Brahma Nand Sandu, G. P. Sharma, S. N. Kumawat, M. S. Raghav and Shobhit Tiwari, for Interveners, for the Respondent

Judgement

Arun Mishra, C.J. and Narendra Kumar Jain, J.—These writ petitions have been preferred by the students. In Writ Petition No. 2635/2011, a prayer has been made to quash the order dated 20.2.2010 and the Notification dated 29.4.2010, Annex. 28 and 32 respectively filed with the petition. A prayer has been made to quash the amendment made in the item No. 33 of the First Schedule to the Indian Veterinary Council Act, 1984, hereinafter referred to as "the Act of 1984". A prayer has also been made to direct the registrations of the petitioners as Veterinary Practitioners. The respondent No. 7 RPSC may be directed to treat the petitioners as qualified Veterinary Practitioners for recruitment on the post of Veterinary Officers. The students were admitted in the course of Bachelor of Veterinary Science & Animal Husbandry, in short "BVSc & AH", in the Apollo College of Veterinary Medicine. Jaipur. The fact remains that the Government of India and the Veterinary Council of India have not recognized the said institution so far.

2. In Writ Petition No. 8361/2010, a prayer has been made to quash the letter dated 26.5.2010 by which the Veterinary Council of India has issued a

communication to the Registrar, Rajasthan State Veterinary Council to delete the names of such practitioners from the State Register, who have passed out from Apollo College of Veterinary Medicine, Jaipur. As it is not recognized for the purpose of the Act of 1984, the names of practitioners, who have passed out from Apollo College of Veterinary Medicine, Jaipur, have not been included in Indian Veterinary Practitioners Register. The petitioners were admitted in the Academic Session 2003-04 in the College.

3. In Writ Petition No. 13379/2010, a prayer has been made by the petitioners to quash the same Communication and to direct their enrolment. They were admitted in the year 2003-04.

4. In Writ Petition No. 13675/2010, prayer has been made to quash the Communication dt. 27.7.2010 issued by the Veterinary Council of India to the Rajasthan State Veterinary Council requesting once again to delete the names of all the practitioners, except 12 persons with respect to whom the stay order was passed by this court, who have passed out from Apollo College of Veterinary Medicine, Jaipur, from the State Veterinary Practitioners Register prepared under the Act of 1984.

5. In Writ Petition No. 14318/2010, a prayer has been made by the petitioner to direct the registration to be made. Prayer has also been made to quash the Gazette Notification dt. 30.4.2010, the order dt. 20.2.2010 and other communications dt. 26.5.2010 & 27.7.2010.

5. In Writ Petition No. 16787/2010, prayer has been made for quashing the order dt. 22.10.2010, Annex. 10 to the petition issued by the Rajasthan State Veterinary Council, deleting the names of the petitioners from the Register maintained by it and they have been asked to deposit back the original certificates of Registration and Identity Card. Other notifications, which have been impugned in the other writ applications, have also been questioned.

6. Facts are being narrated from D.B. Civil Writ Petition No. 2635/2011 "Alok Kumar Meena and Ors. v. Rajasthan State Veterinary Council & Ors.". It is averred in the petition that the petitioners have passed out BVSc & AH Course from the Rajasthan Agricultural University, renamed as Swami Keshwanand Rajasthan Agricultural University, Bikaner. Respondents No. 1 and 2. Rajasthan State Veterinary Council, Jaipur and Veterinary Council of India respectively, are the statutory bodies constituted under the provisions of the Act of 1984. The petitioners were admitted in December, 2005 in the said course. They were duly qualified to be admitted. The Rajasthan Pre Veterinary Test, 2005 was held by the MDS University, Ajmer through its Co-ordinator. The name of the Apollo College of Veterinary Medicine, Jaipur was also included as one of the Institutions for purpose of admission through RPMT/RPVT, 2005 for the course of BVSc & AH. After participating in the RPVT-2005 conducted by the MDS University, Ajmer, they were admitted. It was mentioned in the brochure that the Apollo College of Veterinary Medicine, Jaipur has intake capacity of 60 seats and is affiliated with

Rajasthan Agricultural University, Bikaner. Petitioners have submitted that the matter of recognition and procedure for registration of Veterinary Practitioners is governed by the Act of 1984, Section 15 whereof provides that the veterinary qualifications granted by any veterinary institution in India, which are included in the First Schedule, shall be recognized veterinary qualifications for the purpose of the said Act. As per definition of "Veterinary Institution" as defined in Section 2(j) of the Act of 1984, it means any University or other Institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry, hence, no individual recognition of an Institution affiliated to a University is necessary for grant of degree of BVSc & AH. Since the name of the Rajasthan Agricultural University is entered into the First Schedule of the Act of 1984 and the degree has been granted to the petitioners by this University, it has to be treated as recognized veterinary qualification as per the provisions of the Act of 1984. In the Scheme of the Act of 1984, there is no requirement for grant of recognition either by the Veterinary Council of India or by the Government of India. They have the right to practice as Veterinary Practitioner and the Veterinary Council is bound to register their names. The directions issued to the contrary by the Government of India and the Veterinary Council of India are illegal. The Veterinary Council of India has mentioned in the Communication dated 9.11.2006. Annex. 10 to the petition, that it has no objection in case the students are admitted. In substance, the case is that at various times, the teams of the Inspectors were sent by the Veterinary Council of India and the Veterinary Council of India has issued the communication to the effect that it will have no objection. The Government of India has illegally passed the order of not recognizing the Institutions in question. Primarily, it was within the domain of the Government of India or the Veterinary Council of India to grant recognition/approval of affiliation granted by the University, thus, the whole action was impermissible. As per Section 21 of the Act of 1984, the procedure for withdrawal of recognition has not been followed. They have spent huge amount by depositing the fee running into several lacs. Alternatively, it is submitted that the action of the Government of India and Veterinary Council of India in not extending the recognition, is illegal. In view of the favourable report, the recognition ought to have been extended. The Veterinary Council of India has authorized in the year 2009 and 2010 to admit the students. Petitioners have also questioned the amendment, which has been made in the Schedule issued by the Government of India, inasmuch as it has recognized the qualification of BVSc & AH granted by Swami Keshwanand Rajasthan Agricultural University, Bikaner only in respect of college of Veterinary and Animal Science, Bikaner and that too, if degree is granted on or after 11.9.2009.

7. The Veterinary Council of India, respondent No. 2, in Writ Petition No. 2635/2011, in its reply, has contended that the Veterinary Council of India has been established for the purpose of regulation of veterinary practice, education and maintenance of register of veterinary practitioners possessing recognized veterinary qualification included in the Schedules to the Act of 1984. It extends

to the State of Rajasthan also. Section 2(e) of the Act of 1984 defines "recognized veterinary qualification", which means any of the veterinary qualifications included in the First Schedule or the Second Schedule. u/s 15(1), the veterinary qualifications granted by any veterinary institution in India which are included in the First Schedule, shall be recognized veterinary qualifications for the purpose of the Act of 1984. As per provisions of Section 19(1) of the Act of 1984, a Committee constituted u/s 12 may, subject to regulations, if any, made by the Council, appoint such number of veterinary inspectors as it may deem requisite to inspect any veterinary institution or any college or other institution where veterinary education is given or to attend any examination held by any veterinary institution for the purpose of recommending to the Government of India recognition of veterinary qualification granted by that veterinary institution. As per Section 19(2) of the Act of 1984, the veterinary inspectors shall not interfere with the conduct of any training or examination, but shall report to the Committee on the adequacy of the standards of veterinary education including staff, equipment, accommodation, training and other facilities prescribed by regulations for giving veterinary education or on the sufficiency of every examination which they attend.

8. u/s 20(1) of the Act of 1984, the Council is permitted to appoint such number of visitors as it may deem fit to inspect any veterinary institution or any college or other institution where veterinary education is given or to attend any examination held by any veterinary institution. Section 21 deals with the withdrawal of recognition, once granted. Section 22 of the Act of 1984 empowers the Council to specify minimum standards of veterinary education required for granting recognized veterinary qualifications by veterinary institutions.

9. The Veterinary Council of India in exercise of the powers conferred by sub-section(1) of Section 22 read with Clause (b) of sub-section(1) of Section 21 of the Act of 1984 has framed regulations, called "Veterinary Council of India (Minimum Standards of Veterinary Education - Degree Course (BVSc & AH) Regulations. 1993, in short "the Regulations of 1993".

10. In exercise of powers conferred by Section 66 of the Act of 1984, the Veterinary Council of India has framed regulations, called "Veterinary Council of India (Registration) Regulations, 1992, in short "the Regulations of 1992". Regulation 2(c) of the Regulations of 1992 defines "Recognized Veterinary College", which means a Veterinary College affiliated to a University and recognized by Veterinary Council of India. The Regulations are statutory in nature and are mandatory, which are required to be followed by all the Universities and the Colleges.

11. Apollo College of Veterinary Medicine, Jaipur is not the recognized College for the purpose of the Act of 1984. Regulation 12 of the Regulations of 1993 provides that the College shall be housed in a unitary building located near the Veterinary hospital attached to it and an attached Livestock farm and shall have its own land and building for running various departments. It is further

contended that Apollo Animal Medical Trust, which is responsible for management of the Apollo College of Veterinary Medicine, Jaipur, has previously filed the Writ Applications No. 4244 of 2005 and 7000 of 2010 before this Court in the matter of recognition of BVSc & AH qualification in respect of the College in question but both the writ applications had been withdrawn. The College is not fulfilling the requisite standards. As per part 7 of the Regulations of 1993, there should be 17 departments in a Veterinary College, 106 teaching staff (1 Dean, 18 Professors, 32 Associate Professors and 55 Assistant Professors) and 110 supporting staff for 60 annual admissions in BVSc & AH course. "No Objection" had not been given to admit students for the BVSc & AH course in the years 2003, 2004 and 2005 either by the Veterinary Council of India or by the Government of India. Still, the College admitted the students in utter violation of the directions given by the State Government. Even the "No Objection Certificate" issued by the Government of Rajasthan was only for two years i.e. from 10.8.1998 to 9.8.2000, while the College commenced the course and started functioning in the year 2003. Thus, there was no "NOC" issued by the State Government effective from 2003. Even the College failed to fulfil the conditions mentioned by the State Government in its Communication. The Veterinary Council of India has not granted any recognition to the College in question. "No Objection" has not been given either by the Veterinary Council of India or by the Government of India. Even the State Government has imposed the condition to seek permission from the Veterinary Council of India/ Government of India before giving admissions. Thus, it has no right to admit even a single student. The team of inspectors appointed in the year 2003 found that the building was temporarily hired by the College and it was not enough to meet the standards prescribed by the Veterinary Council of India in its Regulations. The infrastructure was found inadequate and the College was not having its own land & building for running various departments.

12. It is further contended that for the Academic Session 2003-04, prior approval of the Veterinary Council of India or the Government of India was not obtained. Thus, the Apollo College of Veterinary Medicine, Jaipur has not only violated the provisions of the Act of 1984 and the Regulations framed thereunder, but also the conditions imposed upon it by the State Government and the University. It is further contended that the Government of India by letter dated 1.12.2004 requested the Rajasthan Agricultural University, Bikaner for fulfilment of the minimum requirement as per the Regulations of 1993. In the year 2005, the Veterinary Council of India wrote the letters to stop the admissions. Letters were written on 2.2.2005 and 11.3.2005. However, as the Veterinary Council of India did not receive any response from the State Government, the Council issued a public notice in the Indian Express Newspaper, Jaipur Edition on 20.5.2005 in which it was mentioned that the Apollo College of Veterinary Medicine, Jaipur is not meeting the conditions of affiliation extended by them to the College and is not fulfilling the requirements prescribed by the Council, hence they cannot admit the students. The students were notified that the Veterinary Council of

India does not recognize the BVSc & AH qualification of the said College and any person seeking admission in this College will be doing so at his/her own risk. A copy of public notice has also been filed along with the return as Annex. R2/11. The Joint Secretary, Department of Animal Husbandry, Ministry of Agriculture, Govt. of India, has sent a D.O. Letter dated 18.7.2005 to the Chief Secretary, Govt. of Rajasthan that the Veterinary Council of India has intimated that the Rajasthan Agricultural University is not fulfilling the minimum requirements laid down under the minimum standards in the Regulations of 1993 at Apollo College of Veterinary Medicine, Jaipur, thus, it was not permissible to admit the students and the new College has to obtain recognition as per inspection.

13. It is further contended that as per inspection in the year 2007, as against 106 teaching staff, there were only 45 teaching staff available in the College. There was no regular Teaching Veterinary Clinical Complex in existence at the College, which is required essentially for imparting education in BVSc & AH course as per the minimum standards prescribed in the Regulations of 1993. There were only 23 supporting staff as against the required 110 as prescribed in the Regulations of 1993. The inspection report was considered by the Executive Committee of the Veterinary Council of India in its 54th Meeting held on 29.3.2007 and the College was asked to remove the deficiencies. The Veterinary Council of India further issued a public notice on 27.4.2007 in the Rajasthan Patrika, Jaipur Edition pointing out that the College was not recognized and any person seeking admission in this College will be doing so at his/her own risk. Thereafter, again a team of Inspectors was appointed and various deficiencies were found. The faculty was not as per the norms. The College was also not having adequate infrastructure such as Instructional Livestock Farm Complex and Teaching Veterinary Clinical Complex as prescribed in the Regulations of 1993. The College did not follow the minimum eligibility prescribed under the Veterinary Council of India for selection of the students. The Council informed the Government of India vide Communication dated 10.12.2007 about non-implementation of the VCI Regulations at Apollo College of Veterinary Medicine, Jaipur affiliated to Rajasthan Agricultural University, Bikaner. In the meeting of the representatives of Rajasthan Agricultural University, Bikaner and the Dean, Apollo College of Veterinary Medicine, Jaipur with the President and Secretary, V.C.I. in the office of the Council on 2.2.2008, it was assured by the Dean, Apollo College of Veterinary Medicine, Jaipur that the minimum required facilities in terms of ILFC, TVCC and manpower at the College shall be fulfilled within the stipulated time. The Government of India on 13.11.2009 requested the Veterinary Council of India for providing Visitors' inspection report in respect of Apollo College of Veterinary Medicine, Jaipur. The Veterinary Council of India vide letter dt. 16.11.2009 forwarded the up-to-date Visitors' inspection reports conducted during the years 2003, 2005 and 2007. The Government of India considered the report and decided as per the provisions of the Act of 1984 not to grant recognition to the degrees awarded by the Rajasthan Agricultural University, Bikaner in respect of Apollo College of Veterinary Medicine, Jaipur and

the order dated 20.2.2010 (Annex. R2/24), which has been questioned in the writ applications, was passed. The Circular dt. 23.2.2010 (Annex. R2/25) was also issued.

14. The Council received a proposal from the Government of India in respect of the inclusion of BVSc & AH qualification granted by Swami Keshwanand Rajasthan Agricultural University, Bikaner in the First Schedule of the Act of 1984 due to change of name from Rajasthan Agricultural University to Swami Keshwanand Rajasthan Agricultural University, Bikaner, which was examined by its Executive Committee and it was decided to include the name of Swami Keshwanand Rajasthan Agricultural University, Bikaner due to change of name of the University. The Government of India at no point of time issued recognition to BVSc & AH Course at the Apollo College of Veterinary Medicine, Jaipur. The Government of India has amended the First Schedule of the Act of 1984 by inserting the name of Swami Keshwanand Rajasthan Agricultural University, Bikaner and restricting the recognized Veterinary qualification granted on or after 11.9.2009 only in respect of College of Veterinary and Animal Science, Bikaner in accordance with the provisions of Sections 15(2) and 21(4) of the Act of 1984 vide Gazette Notification dt. 30.4.2010.

15. It is contended that the Council from time to time has advised the students and their parents about the unrecognized status of the College through public notices. By continuing the admissions, the College has committed utter violation and disregard to the statutory provisions of the Act of 1984 and the Regulations framed thereunder. The students, who have passed out the BVSc & AH course, do not hold the recognized veterinary qualification for the purpose of the Act of 1984, thus, the petitions are liable to be dismissed.

16. Respondent No. 3-Swami Keshwanand Rajasthan Agricultural University, Bikaner has filed its return. It is contended that no relief has been claimed against the University. The Apollo College of Veterinary Medicine, Jaipur is affiliated to it and by virtue of that, it has been arrayed as respondent.

17. The Union of India i.e. respondent No. 6 in its reply has contended that under the provisions of the Act of 1984, the Veterinary Council of India has been given the responsibility to verify the minimum standards of veterinary education in all veterinary colleges in India and for making recommendation to the Government of India for recognition of the BVSc & AH degree. The Government of India has not granted recognition to Apollo College. At no point of time, "No Objection" was given. The Apollo College was not fulfilling the requirements as laid down in the Regulations of 1993. The Apollo College of Veterinary Medicine, Jaipur, admitted the students without obtaining prior permission of the Government of India/Veterinary Council of India in violation of the conditions imposed by the State Government. In substance, the stand of the Union of India is the same as that of the Veterinary Council of India.

18. A rejoinder has been filed by the petitioners pointing out that the inspection

report dt. 3.10.2005 was submitted before the Veterinary Council of India. The Veterinary Council of India in its meeting held on 7.10.2005 observed that the Council has no objection for imparting veterinary education at the Apollo College of Veterinary Medicine, Jaipur and the Communication was sent by the Veterinary Council of India to the Government of India on 21.11.2005, copy whereof has been filed as Annex. 39 to the rejoinder. In view of the said "No Objection" given by the Veterinary Council of India, the students were rightly admitted. The College was again inspected on 22.12.2010 and the Veterinary Council of India has made recommendation on 29.3.2011 to the Government of India for recognition, thus, the action of the respondents is illegal and arbitrary.

19. Mr. N. K. Maloo, Sr. Advocate, assisted by Mr. Vinod Tamoliya and Mr. Yudhisthir Rathore for Mr. Suresh Charan appearing on behalf of the petitioners have submitted that once the degree is granted by the Rajasthan Agricultural University mentioned in the First Schedule to the Act of 1984 as recognized degree, it was not open to the respondents to treat the students, who were admitted, as ineligible for registration to the Veterinary Council. The decision taken by the Government of India and Veterinary Council of India in not recognizing the Apollo College of Veterinary Medicine, Jaipur is bad in law. It is submitted that the recognition has been withheld for no good reason. Once "No Objection" was given by the Veterinary Council of India as to admissions to be made by the Apollo College and students had been admitted after competitive examination conducted by the MDS University, Ajmer and the name of the Apollo College was mentioned in the brochure of the University with the strength of 60 intake seats, it was not permissible to the respondents to turn round and contend that the students cannot be registered or those, who have been enrolled as Veterinary Practitioners, their names could not have been ordered to be deleted from the Register maintained by the Veterinary Council as per the provisions of the Act of 1984. The Regulations of 1992 and 1993 framed by the Veterinary Council of India cannot supersede the provisions of the Act of 1984. Once the degree is granted by the University as recognized and when the provisions of the Act of 1984 are clear, there was no necessity of obtaining recognition by the individual colleges. The provisions of Section 2 (e) read with Section 15 of the Act of 1984 make it clear that it is the degree, which is to be recognized by the Veterinary Council of India and Government of India and not the individual Colleges. Thus, various Communications and inspection reports have also been referred by Mr. N.K. Maloo, learned Senior Counsel appearing on behalf of the petitioners to contend that it would be unfair not to permit the students to be enrolled by the Veterinary Council. He has questioned the Regulations of 1992 and 1993 on the ground that the Regulations cannot hold the field in view of the specific provisions made in the Act of 1984. The procedure envisaged u/s 21 of the Act of 1984 has not been followed.

20. Mr. G.P. Sharma, learned counsel appearing on behalf of the Apollo College of Veterinary Medicine, Jaipur has submitted that the College was allotted the students by the University as per the competitive examination and the University

has affiliated the College, as such, it could not be said at fault, while admitting the students. It was also submitted that now fresh inspection has been made and the infrastructure has been found to be upto mark by the team of inspectors and the matter is pending with the respondent - Govt. of India for the purpose of recognition for the Academic Session 2010-11.

21. Mr. V. S. Gurjar, learned counsel appearing on behalf of Veterinary Council of India, Mr. M. S. Raghav, learned counsel appearing on behalf of the Union of India. Mr. Brahma Nand Sandu, learned counsel appearing on behalf of Swami Keshwanand Rajasthan Agricultural University, Bikaner and Mr. Shobhit Tiwari, appearing for the interveners, have submitted that affiliation had been granted but the College was required to fulfil other conditions as mentioned in the Act of 1984 and the Regulations framed thereunder by the Veterinary Council of India.

22. Mr. S. N. Kumawat, learned counsel appearing on behalf of the RPSC has submitted that since the conditions of the Act of 1984 and the Regulations framed thereunder by the Veterinary Council of India have not been fulfilled, there is no recognition hence, no relief can be granted to the petitioners.

23. First question for consideration is whether by virtue of the fact that the degree granted by the Rajasthan Agricultural University was mentioned as recognized qualification in the First Schedule to the Act of 1984, can it be said that there was no further necessity for grant of recognition to the affiliated Colleges, in case they have been established, after the Act of 1984 was enforced.

24. Section 2(e) of the Act of 1984 defines "recognized veterinary qualification", which means any of the veterinary qualifications included in the First Schedule or the Second Schedule. Section 2(j) defines "Veterinary institution" to mean any University or other institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry. Section 15 provides for recognition of veterinary qualifications granted by veterinary institutions in India. Section 15 (1) provides for the veterinary qualifications granted by any veterinary institution in India which are included in the First Schedule, shall be recognized veterinary qualifications for the purpose of the Act of 1984. Section 15(2) provides that any veterinary institution in India, which grants a veterinary qualification not included in the First Schedule, may apply to the Central Government to have such qualification recognized and the Central Government, after consulting the Council, may, by notification in the Official Gazette, amend the First Schedule so as to include such qualification therein. Section 16 deals with the recognition of veterinary qualifications granted by veterinary institutions in countries with which there is a scheme of reciprocity. In the instant matters, we are not concerned with the said provision. Section 17 deals with the special provisions in certain cases for recognition of veterinary qualifications granted by veterinary institutions in countries with which there is no scheme of reciprocity. Section 19 deals with the inspection of veterinary institutions and examinations. A Committee which is constituted u/s 12 of the Act of 1984 may, appoint such number of veterinary inspectors as it may deem

requisite to inspect any veterinary institution or any college or other institution where veterinary education is given or to attend any examination held by any veterinary institution for the purpose of recommending to the Government of India recognition of veterinary qualification granted by that veterinary institution. Section 20 deals with the appointment of visitors and Section 21 deals with the withdrawal of recognition.

25. Sections 2(e), 2(j), 15, 19 and 21 of the Act of 1984 are quoted below:

"Definitions.-

2. In this Act, unless the context otherwise requires,--

(e) "recognised veterinary qualification" means any of the veterinary qualifications included in the First Schedule or the Second Schedule;

(j) "veterinary institution" means any University or other institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry;

Recognition of veterinary qualifications granted by veterinary institutions in India

15. (1) The veterinary qualifications granted by any veterinary institution in India which are included in the First Schedule shall be recognised for the purposes of this Act.

(2) Any veterinary institution in India which grants a veterinary qualification not included in the First Schedule may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may, by notification in the Official Gazette, amend the First Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted after a specified date.

Inspection of veterinary institutions and examinations

19. (1) A Committee constituted u/s 12 may, subject to regulations, if any, made by the Council, appoint such number of veterinary inspectors as it may deem requisite to inspect any veterinary institution or any college or other institution where veterinary education is given or to attend any examination held by any veterinary institution for the purpose of recommending to the Central Government recognition of veterinary qualification granted by that veterinary institution.

(2) The veterinary inspectors shall not interfere with the conduct of any training or examination, but shall report to the Committee on the adequacy of the standards of veterinary education including staff, equipment, accommodation, training and other facilities prescribed by regulations for giving veterinary education or on the sufficiency of every examination which they attend.

(3) The Committee shall forward a copy of any such report to the veterinary institution concerned and shall also forward a copy with remarks, if any, of the said institution thereon to the Central Government.

Withdrawal of recognition

21. (1) When upon report by the Committee or the visitor, it appears to the Council-

(a) That the courses of study and examinations to be undergone in, or the proficiency required from candidates at any examination held by, any veterinary institution, are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(b) That the staff, equipment, accommodation, training and other facilities for instruction and training provided in such veterinary institution or in any college or other institution affiliated to it do not conform to the prescribed by the Council.

The Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the State Government of the State in which the veterinary institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the veterinary institution, with an intimation of the period within which that institution may submit its explanation to the State Government.

(3) On receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government shall make its recommendation to the Central Government.

(4) The Central Government, after making such inquiry, if any, as it may deem fit, may, by notification in the Official Gazette, direct that an entry shall be made in the appropriate Schedule against the said veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted before a specified date or that the said veterinary qualification if granted to students of a specified college or institution affiliated to any veterinary institution shall be a recognised veterinary qualification only when granted before a specified date or, as the case may be, that the said veterinary qualification shall be a recognised veterinary qualification in relation to a specified college or institution affiliated to any veterinary institution only when granted after a specified date:

Provided that before issuing such notification the Central Government may consult the Indian Council of Agricultural Research.

26. In exercise of powers conferred by Section 66 of the Act of 1984, the Veterinary Council of India has framed Regulations of 1992. Regulation 2(c) of the Regulations of 1992 defines "Recognized Veterinary College" thus:

2. Definition:-- (1) In these regulations, unless the context otherwise requires,--

(c) "Recognised Veterinary College" means a Veterinary College affiliated to a University and recognized by Veterinary Council of India.

27. Regulation 3 of the Regulations of 1992 provides that the Register shall be maintained in such form specified in the Appendix. Regulation 4 provides that any registered practitioner desirous of having his/her name entered in the Register u/s 24 of the Act of 1984, has to apply to the Secretary in Form "A" and the Secretary is required to satisfy himself that the person concerned possesses a "recognized veterinary qualification". The substance of the Regulation is that the College should be so recognized by the Veterinary Council of India with its recognized veterinary qualification, then only the name can be entered in the Register maintained by the Veterinary Council as provided in the Regulations of 1992.

28. The Veterinary Council of India in exercise of the powers conferred by sub-section(1) of Section 22 read with Clause (b) of sub-section (1) of Section 21 of the Act of 1984 has framed Regulations of 1993, governing the Course of Study, Admission to the Veterinary Course, various Standards to be fulfilled by the University, Syllabus, Evaluation in the examination and Manual of Practicals. The institution is required to fulfil these Regulations and Standards.

29. Merely by the fact that the degree granted by the Rajasthan Agricultural University is entered as recognized veterinary qualification as prescribed u/s 15 of the Act of 1984, does not mean that every new College, which is affiliated by the University is also recognized for the purpose of imparting instructions that would render provision of Section 19 otiose. The Act of 1984 itself envisages the institutions to be inspected as provided in Section 19 of the Act of 1984. The Committee is to be appointed for inspecting veterinary institution or any college or other institution for the purpose of recommending to the Central Government recognition of veterinary qualification granted by the veterinary institution. It is not in dispute that the College in question had been inspected number of times by the team of inspectors appointed by the Veterinary Council of India but neither the Veterinary Council of India nor the Govt. of India has recognized it so far. In view of the provisions made in the Act of 1984, and Regulation framed thereunder it is clear that the Colleges, which have not been recognized by the Govt. of India on recommendation made by Veterinary Council of India cannot impart education for the purpose of veterinary practice, which is governed by the Act of 1984. The objective of the Act of 1984 is to make provision for regulation of veterinary practice, education and maintenance of register of veterinary practitioners possessing recognized veterinary qualification included in the Schedules to the Act of 1984, known as Indian Veterinary Practitioners" Register and the matters connected therewith or ancillary thereto.

30. The Regulations of 1992 have also been framed by the Veterinary Council of India in exercise of its powers conferred by Section 66 of the Act of 1984. Regulation 2(c) of the Regulations of 1992 defines "Recognized Veterinary College", which means a Veterinary College affiliated to a University and

recognized by Veterinary Council of India. The Apollo College has not been recognized either by the Govt. of India or Veterinary Council of India. The incumbents cannot claim a right to be enrolled as Veterinary Practitioners in view of the Regulations of 1992. The norms, which are required to be fulfilled, have been prescribed in extensive details in the Regulations of 1993. Consequently, we are of the considered opinion that the submissions raised by the learned Senior Counsel appearing on behalf of the petitioners cannot be accepted. In our considered opinion, it is necessary that the Colleges are also required to be recognized by the Govt. of India and the Veterinary Council of India has to make the recommendation to the Government of India as provided in Section 19 of the Act of 1984.

31. There is difference between the recognition and the affiliation, which has been considered by the Apex Court in the case of the The Principal and Others Vs. The Presiding Officer and Others, thus:

6.....It seems, to think that since the name of the School figured in the list of the Higher Secondary and Middle Schools in the Union Territory of Delhi for 1974-75 prepared by the Statistical Branch of the Directorate of Education of the Delhi Administration, the School must be treated as a "recognised school". This is clearly a wrong assumption. The fact that the name of the School finds a mention in the aforesaid list is not enough to clothe it with the status of a "recognised school". It appears to us that since the School was affiliated to the Board, the Delhi Administration caused its name to be included in the aforesaid list. The fact that the School is affiliated or attached to the Board is also of no consequence and cannot justify the conclusion that the School is a "recognised school". There is a significant difference between "affiliation" and "recognition". Whereas "affiliation", it may be noted, is meant to prepare and present the students for public examination, "recognition" of a private school is for other purposes mentioned in the Act and it is only when the School is recognised by the "appropriate authority" that it becomes amenable to other provisions of the Act. Again the fact that the School was in existence at the commencement of the Act cannot confer on it the status of a recognised school and make it subject to the provisions of the Act and the rules made thereunder. To clothe it with that status, it is essential that it should have been a "recognised private school" as contemplated by the Act. Nothing has, however, been brought to our notice to show that it was an "existing school" as defined in section 2(1) of the Act. In view of all this, we have no hesitation in holding that the School was not a "recognised private school", on the relevant date and was, therefore, not amenable to the provisions of the Act.

32. As per the scheme of the Act of 1984 and the Regulations framed thereunder, it is apparent that firstly the degree granted is required to be recognized and apart from that, the College itself is required to be recognized. Once the College in question is affiliated to the University, it is also necessary to obtain requisite recognition u/s 19 of the Act of 1984 on the recommendation being made by the

Veterinary Council of India to the Govt. of India, which has not been done in the instant case.

33. The Notification dated 29.4.2010, which has been questioned, deals with the situation when the name of the University was changed and instead of Rajasthan Agricultural University, the name was mentioned as Swami Keshwanand Rajasthan Agricultural University, Bikaner, thus, degree of Swami Keshwanand Rajasthan Agricultural University, Bikaner granted on or after 11.9.2009 has been recognized, which does not make out any case in favour of the petitioners, as any College which is affiliated to a University, is also required to be recognized as per the provisions of Section 19 of the Act of 1984 and the Regulations framed under the said Act. The Regulations of 1992 and 1993 are in consonance with the provision contained in the Act of 1984.

34. Much emphasis was laid by the learned Senior Counsel Mr. N. K. Maloo, appearing on behalf of the petitioners, on the procedure envisaged u/s 21 of the Act of 1984 dealing with the withdrawal of recognition.

35. In the instant case, recognition had never been granted to the Apollo College in question, thus, the procedure laid down in Section 21 of the Act of 1984 in case of withdrawal of recognition, was not applicable. It was not a case of withdrawal of recognition. In fact, in this case the recognition had never been granted to the College in question by the Govt. of India on the recommendation of the Veterinary Council of India.

36. Mr. Maloo, Sr. Counsel, appearing on behalf of the petitioners, has relied upon certain recommendations and communications. The facts remains that there were various deficiencies pointed out by the Veterinary Council of India, which have been mentioned above. At no point of time, the recognition has been granted by the Govt. of India/Veterinary Council of India. On the other hand, newspaper publications had been made that the College in question does not enjoy recognition and, therefore, it cannot admit the students in accordance with law. The Communication dated 18.7.2005 written by the Joint Secretary, Department of Animal Husbandry, Ministry of Agriculture, Govt. of India to the Chief Secretary, Govt. of Rajasthan indicates that the Veterinary Council of India has intimated that the Rajasthan Agricultural University is not fulfilling the minimum requirements laid down under the minimum standards in the Regulations of 1993 at Apollo College of Veterinary Medicine, Jaipur. It was pointed out that the University had been admitting students in the Apollo College at Jaipur without fulfilling the minimum requirements as per the Regulations. It was mentioned that the degrees granted by the University mentioned in the First Schedule to the Act of 1984 are relevant to only those Colleges of that particular University existing at the time of inclusion in the Schedule and that opening of any new College under the same University shall call for submission of fresh proposal as per Section 15(2) of the Act of 1984. The inspection report dated 3.10.2005 indicates that certain facilities were developed. They were not developed at the relevant time. Even otherwise, the facts mentioned in the

report of the Inspectors are of no utility in the absence of recognition having been granted. The Communication dated 12.11.2007 which is written by the Veterinary Council of India to the Registrar, Rajasthan Agricultural University pointing out that the Veterinary Council of India may have to withdraw the recognition of the BVSc & AH qualification itself due to the Apollo College having committed gross irregularities and blatant violation of the VCI Regulations. Another letter was also written on 10.12.2007 by the Veterinary Council of India to the Registrar, Rajasthan Agricultural University and it was proposed to withdraw recognition of the BVSc & AH qualification of the University, as blatant violation was being committed by the Apollo College, the University was requested to stop the admissions of the students at the Apollo College of Veterinary Medicine, Jaipur for the award of the BVSc & AH and also to ensure that the eligibility for the admission was strictly as per the VCI Regulations and to fulfil the other requirements, failing which the recognition of University also was liable to be withdrawn. The Govt. of India after considering the deficiencies has decided that it was not possible to grant admission till minimum required facilities were created, the recognition to college was refused.

37. The letter dated 24.7.2009 written by the Veterinary Council of India to the Registrar, Rajasthan Agricultural University indicates that the Council wanted to satisfy itself by making inspections of the College for assessing the progress made in this regard, as favourable report was sent by the University. Letter is of no assistance, as it is not a recommendation for recognition made by the V.C.I. but it wanted to be satisfied as to fulfillment of norms by making the inspection. The affiliation dated 9.11.2006 granted to the college by the Rajasthan Agricultural University, Bikaner was also subject to the fulfillment of the requirement of the Veterinary Council of India. The affiliation was granted only for the academic purpose.

38. As already discussed, the recognition and the affiliation are two different things. As the norms prescribed by the Veterinary Council of India could not be fulfilled, no recognition had been granted under the Act of 1984. It was notified by the Veterinary Council of India time and again that as the College in question does not enjoy the recognition, therefore, not to admit the students but for the reasons best known to the University and the College, they continued with the admissions, which was detrimental to the students, knowing fully well that the College was not entitled to admit students and impart education.

39. As the advice of the Veterinary Council of India has not worked with the College, we direct that the College shall not admit any students until and unless it is recognized by the Veterinary Council of India/Govt. of India and it is stated that some interim order was passed by single Bench at Jodhpur, we order that no interim order passed by the Jaipur Bench or at the principal seat shall continue to be operative in view of the final decision, which has been rendered in these matters. In case, the University and the College continue with the admissions in illegal manner, let the Veterinary Council of India forthwith initiate the

proceedings to de-recognize the University itself, as it cannot be permitted to perpetuate the illegalities by allowing admissions to be made.

40. Mr. N. K. Maloo, Sr. Counsel, appearing on behalf of the petitioners, has heavily relied upon the Communication dated 21.11.2005, which was written to the Secretary, Deptt. of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture by the Veterinary Council of India that the matter of recognition of the qualification in respect of the College in question shall be considered by the Council in due course on assessing fulfillment of the minimum requirements as laid down in the VCI Regulations; it was also mentioned that the Council shall have no objection for imparting veterinary education at the Apollo College of Veterinary Medicines, Jaipur subject to continuation of affiliation by the Rajasthan Agricultural University; however, the requirements in terms of physical facilities and manpower as provided in the VCI Regulations shall have to be fulfilled by the College authorities in a time bound manner and the matter of recognition was to be considered in terms of the report fulfilling the requirements. The letter cannot be treated as letter of Veterinary Council of India to recommend the case for recognition to the Central Government. However, it was insisted that for the recognition, conditions are to be fulfilled and facts to be ascertained on inspection read as a whole, letter makes it clear that the matter of recognition was to be considered in due course by the Council after due inspection and fulfillment of the minimum conditions. The letter is of no utility to the College, as in the same year, the newspaper publication was made by the Veterinary Council of India that the College was not having the recognition and hence, it should not admit the students subsequently from time to time, such notifications were published in newspapers.

41. In the instant case, merely by virtue of affiliation to the University, it was not open to the College in question to admit the students. It is shocking and surprising that the students had been admitted by the College in spite of knowing it fully well that the public notice had been issued in the Indian Express Newspaper, Jaipur Edition on 20.5.2005, in the Rajasthan Patrika, Jaipur Edition, on 27.4.2007 and in other year's also pointing out that the College was not recognized and any person seeking admission in this College will be doing so at his/her own risk. Newspaper publications made in the years 2010 and 2011 have also been placed on record by the learned counsel for the interveners during the course of arguments. The notices in newspapers indicate that the Veterinary Council of India has left no stone unturned by issuing public notices that the College in question has not been recognized by the Govt. of India/Veterinary Council of India and students, who seek admission in the College, will be doing so at their own risk. The College being aware of the entire situation and also of the newspaper publications, filed the Writ Application No. 4244 of 2005 and for the reasons best known to the College, the writ application was ultimately withdrawn in 2007. Yet another writ application was filed by the College in question bearing No. 7000 of 2010 in which also, the relief was claimed to quash the impugned orders dated 20.2.2010, 23.2.2010, 22.3.2010 and 29.4.2010,

which have also been questioned in the instant writ applications; prayer was also made in the said writ application that the College in question had right to discharge the function of imparting veterinary education and the students may be allowed as Veterinary Practitioner, on the basis of degrees awarded by the University. All these facts were pleaded in that writ application No. 7000/2010 filed by college which have been pleaded in these writ application. The Writ Application No. 7000/2010 was also dismissed as withdrawn with the condition that in case any fresh cause of action arose in future, fresh writ application be filed. The College in question has, thus, abandoned its right to question the aforesaid orders, which have been impugned in the instant writ applications. Now, the students have come up in these writ applications espousing the same cause. In view of the public notices, which were issued by the Veterinary Council of India time and again by spending huge amount of money, the students were supposed to know that they were taking education in the institution, which does not enjoy recognition either by the Govt. of India or the Veterinary Council of India, Thus no equitable consideration arises in their favour. They cannot claim entitlement for entry of their names in the Register to be maintained by the State Council under the Act of 1984. Consequently, they cannot claim right to serve as Veterinary Practitioner, they are not holders of recognized veterinary qualification, which is mandatory to be possessed by the incumbents for the purpose of practice enumerated in the Act of 1984 and the Regulations framed thereunder, which have statutory force. Resultantly, all the writ petitions are dismissed. As successive writ petitions have been filed, the cost of Rs. 10,000/- is imposed in each petition. We leave it open to the students to claim the compensation in appropriate proceedings, if any, against the College in question. It is made clear that the College in question has no right to continue with the BVSc & AH Course. This final order shall supersede all other interim orders passed by this Court in any writ petition including S.B. Civil writ petition No. 7963/2011 (Apollo Animal Medical Group Trust, Jaipur v. Union of India & Ors.) pending at main seat at Jodhpur.