

(2018) 09 CHH CK 0027

In the Chhattisgarh High Court

Case No : Writ Petition (S) No. 5566, 5832 of 2018

Girish Singh Patel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 28-09-2018

Acts Referred:

Chhattisgarh Veterinary (Gazetted) Recruitment Service Rules, 2011 — Rule 14
Constitution of India, 1950 — Article 309

Citation : (2018) 09 CHH CK 0027

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Sunil Kumar Soni, Prafull N. Bharat, A.S. Kachhawaha, T.K. Tiwari, Aman Tamboli

Final Decision : Allowed

Judgement

Name of the Service

or post from which

promotion is to be

made", "Minimum

Service/experience for

promotion", "Name of the service

or post on which

promotion is to be

made", "Name of member of

the Departmental

Promotion Committee", Remarks

(2),(3),(4),(5),(6)

Additional Director,

Veterinary Services",3 year,"Director, Veterinary

Services","(1) Chief

SecretaryChairman (2)

Agriculture Produce

Commissioner and

Principal Secretary,

Animal Wealth

Development

Department-Member.

(3) Secretary,

Government of

Chhattisgarh Animal

Wealth Development

Department Member.",

J o i n t Director,

Veterinary Services",5 year,"Additional Director,

Veterinary Services","(1) President of Public

Service Commission or

Member Nominated

by the President-

Chairman. (2)

Secretary, Animal

Wealth Development

Department-Member.

(3) Director,

Veterinary Services-

Member.",

D e p u t y Director,

Veterinary Services`",3 year,"J o i n t Director,
Veterinary Services","(1) President of Public
Service Commission or
Member Nominated
by the President-
Chairman. (2)
Secretary, Animal
Wealth Development
Department-Member.
(3) Director,
Veterinary Services-
member",
Veterinary Assistant
Surgeon",12 year,"D e p u t y Director,
Veterinary Services","(1) President of Public
Service Commission or
Member Nominated
by the President-
Chairman. (2)
Secretary, Animal
Wealth Development
Department-Member
(3) Director,
Veterinary Services-
Member.",
Assistant Veterinary
Field Officer","Should have passed
Graduation
Examination in
Veterinary Science

from Departmental
 Candidate Capacity
 with-5 years Service
 Experience.", "Veterinary Assistant
 Surgeon", "(1) President of Public
 Service Commission or
 Member Nominated
 by the President -
 Chairman. (2)
 Secretary, Animal
 Wealth Development
 Department-Member.
 (3) Director,
 Veterinary Services-
 Member.",
 Assistant Statistics
 Officer", 5 years, "Assistant Director,
 (Statistics)", "(1) President of Public
 Service Commission or
 Member Nominated
 by the President-
 Chairman. (2)
 Secretary, Animal
 Wealth Development
 Department-Member.
 (3) Director,
 Veterinary Services-
 Member.",

11. Since qualifying in the examination of B.V.Sc. & A.H. course is mandatory for
 the Assistant Veterinary Field Officers and since there is no other,,,,

method of gaining admission into any University without participation in the NEET examination now, these petitioners who are departmental",,,,

candidates and holding the post of Assistant Veterinary Field Officers, also sat in the NEET-2018 examination, but then, their fate stands sealed by",,,,

non-declaration of their results by the CBSE, the body which conducted such an examination.",,,,

12. The question which arises for consideration is whether the Regulation 2016, especially, Regulation 6 should be allowed to come in the way of",,,,

declaration of results of such departmental candidates. If Regulation 6 is allowed to stand alone, then no departmental candidate can ever earn his",,,,

next avenue of promotion and beyond, because a degree in Veterinary Science is mandatory.",,,,

13. Further, as already discussed earlier, there is only one mode of conduct of examination across the Country and even departmental candidates have",,,,

to participate in the said common entrance examination, therefore, it is held and declared that Regulation 6 will not come in the way of declaration of",,,,

the result of a departmental candidate. Regulation 6 is mandatory and binding with regard to such students or examinees, who are fresh out of school",,,,

and would like to pursue a degree course in B.V.Sc. & A.H. course. But for the purpose of departmental candidates, the maximum age should be",,,,

read as 35 years instead of 25 years, which has been talked about in Regulation 6 or else the Rules relating to promotion will become redundant and all",,,,

future prospects of such departmental candidates will get barred if not thwarted for all times.,,,,

14. The Respondent-Union of India, especially, the Veterinary Council of India therefore are directed that they will bring about corresponding",,,,

amendment to Regulation 6 and clarify that for departmental candidates, the age limit will be 35 years or the age so notified by the State Governments",,,,

and for them, Regulation 6 fixing upper age limit as of 25 years will not apply, so that such disputes and litigations do not arise in the future.",,,,

15. Let Veterinary Council of India give appropriate direction in this regard to the CBSE and the CBSE, in turn, will also make appropriate provision in",,,,

the application form or declaration that a particular candidate is a departmental candidate to distinguish them from the other candidates for whom 25",,,,

years is the upper age limit.,,,,

16. So far as the present litigations are concerned, keeping in view the above interpretation, which is required to bring harmony between the",,,,,

Regulation 2016 and Rules, 2011, the results of these petitioners will be declared by the CBSE within a period of one week from today. Subject to the",,,,,

result or performance of these petitioners, their eligibility and right for admission into the concerned course in the College/University would be decided.",,,,,

17. Keeping in view the peculiarity of the facts and circumstances of the case, which has come in the way of these petitioners, the Court directs that",,,,,

the Veterinary Council of India as well as the State of Chhattisgarh will make provisions for their admission beyond the cut-off date after the,,,,,

declaration of the result by the CBSE. The cut-off date so fixed will not come in the way for begetting admission to these petitioners provided that,,,,,

they have also qualified and are successful in the NEET-2018 examination.,,,,,

18. Both the writ applications stand allowed in terms of the above. Certified copy today.,,,,,