

(2016) 07 DEL CK 0207

In the Delhi High Court

Case No : W.P.(C) No. 6091 of 2016 and 24969 of 2016 (stay)

Komal Khichar

APPELLANT

Vs

Indian Council of Agricultural Research

RESPONDENT

Date of Decision : 18-07-2016

Acts Referred:

Constitution of India, 1950 — Article 14, Article 226

Citation : (2016) 6 SLR 104

Hon'ble Judges : Mr. Sanjeev Sachdeva, J.

Bench : Single Bench

Advocate : Mr. Rajeev Sharma, Advocate, for the Respondent No. 1; Bhagwan Swarup Shukla, CGSC with Mr. Debajyoti Behuria, Advocate, for the Respondent No. 2; Mr. Sanjay Tyagi and Mr. D. Pratap, Advocates, for the Respondent No. 3; Mr. Prakhar Bhatnagar and Mr. Ashis

Final Decision : Dismissed

Judgement

Sanjeev Sachdeva, J.(Oral) - The petitioner has filed the present petition seeking grant of ad-interim relief thereby directing the respondent no. 1 to allow the petitioner to attend the counselling on 18.07.2016 (i.e. today) and further permitting in favour of the petitioner the allotment of college as per her position in the merit list to enable her to pursue post graduate studies in the stream of Animal Sciences or such other stream(s) of her choice for which the petitioner may be eligible.

2. It is contended that the petitioner had completed her veterinary education from B.S. College of Veterinary Medicine & Research Centre, Jhunjhunu and she was awarded provisional degree certificate of Bachelor of Veterinary Sciences & Animal Husbandry (hereinafter referred to as "B. V.Sc. & A.H.") by the Rajasthan University of Veterinary & Animal Sciences, Bikaner.

3. The petitioner seeks to pursue higher education for which counselling is to be conducted by respondent no. 1 ? Indian Council of Agricultural Research. It is contended that the petitioner is not being permitted to attend the counselling on

the ground that institution from which the petitioner had studied i.e. B.S. College of Jhunjhunu has been de-recognised by respondent no. 3 ? Veterinary Council of India.

4. Learned counsel for Veterinary Council of India submits that B.S. College of Jhunjhunu is never recognised so there is no question of de-recognition.

5. Learned counsel for the petitioner have relied on an interim order dated 03.07.2015 passed in W.P.(C) 6289/2015, "Praveen Pilaniya v. Indian Council of Agricultural Research & Ors.", and other connected matters in which this court had permitted the petitioners therein to participate in the counselling without being required to produce the registration with the respondent no. 3 ? Veterinary Council of India.

6. Learned counsel for the respondents submits that petitioner has been denied counselling in view of paragraph 10 of the letter dated 09.06.2016 by which candidates have been invited for counselling, which requires the candidates to produce the original of the valid registration certificate under Indian Veterinary Council Act, 1984 (hereinafter referred to as the Act).

7. Learned counsel for the respondents contends that since the institute from which the petitioner has undergone her courses is not a recognised institute, there be no registration certificate issued under the Act and as such the petitioner is not eligible to undergo the higher courses and seek admission.

8. It is further submitted that by subsequent order dated 27.08.2015 in W.P.(C) 6289/2015 in "Praveen Pilaniya v. Indian Council of Agricultural Research & Ors.", and other connected matters (supra), the court had continued the interim protection only qua one petitioner whose college subsequently had been recognised retrospectively by respondent no. 3 and in respect of colleges which were not recognised, the interim relief was not continued. It is further contended that since the institute from which the petitioner has undergone the B.V.Sc. & A.H. Course is not recognised, the petitioner is not entitled to any admission in the higher courses.

9. It is further contended that the petitioner has already approached the Rajasthan High Court for seeking a direction to the Rajasthan State Veterinary Council to give final recognition certificate to the petitioner.

10. Clause 10 of the invitation letter dated 09.06.2016 requires the candidates to bring the "Valid registration certificate under IVC Act, 1984 for the candidates graduated in B.V.Sc and A.H. Degree programme". The petitioner claims to have graduated from the B.S. College of Veterinary Medicine & Research Centre, Jhunjhunu, which is not recognised from the Indian Veterinary Council. Admittedly, the institute from which the petitioner has undergone the said programme BS College, does not possess such a recognition and as such no valid registration certificate can be produced.

11. In view of the fact that the institution from which the petitioner has

undergone the B.V.Sc. & A.H. Courses, is not recognised by respondent no. 2 as the respondent no. 3 has not recommended such a recognition, the respondents cannot be faulted for not granted permission for counselling to the petitioner.

12. In view of the above, the writ petition is accordingly dismissed.

13. The dismissal of the petition is without prejudice to the rights and contentions of the petitioner in the Writ Petition filed by the petitioner before the Rajasthan High Court.