

(2013) 07 MP CK 0099

In the Madhya Pradesh High Court

Case No : Writ Petition No's. 5978 and 6388 of 2013

Shailesh Kumar Patel and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 02-07-2013

Acts Referred:

Constitution of India, 1950 — Article 142

Veterinary Council Act, 1984 — Section 2(e), 21, 22, 22(1)

Citation : (2013) ILR (MP) 2395 : (2013) LabIC 3939 : (2014) 1 MPHT 201 :
(2013) 3 MPJR 97 : (2013) 3 MPLJ 391

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : N.S. Ruprah, for the Appellant; B.P. Pandey, Government Advocate for State, K.S. Wadhwa for Respondent No. 3 and Prashant Singh, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Jha, J.—The facts and issues involved in both these petitions being identical, they are heard and decided concomitantly.

The petitioners, who are all students prosecuting a Bachelors degree course in Veterinary Science, have filed this petition praying for a direction to the respondents to permit them to participate in the selection process initiated by the respondents for making appointments on the post of Veterinary Assistant Surgeon by issuing an advertisement dated 8-10-2012 as well as the subsequent clarification to the said advertisement issued on 10-12-2012 and 31-12-2012. The petitioners are aggrieved by the fact that their forms/applications for participating in the selection process have been rejected by the respondents on the ground that they do not possess the requisite necessary educational qualification prescribed by law.

The brief facts, necessary for adjudicating the issue raised by the petitioners in both the petitions, are that the petitioners applied for appointment on the post of

Veterinary Assistant Surgeon pursuant to the advertisement issued on 8-10-2012 wherein 308 posts of Veterinary Assistant Surgeon were advertised. The advertisement clearly specified that the last date for filling online application was 9-11-2012 whereas the last date for accepting application forms by hand would be 24-11-2012.

The advertisement also stipulates that the candidate concerned must possess the requisite qualifications on the cut-off date prescribed for accepting online application forms. The advertisement also prescribed that the necessary educational qualification required for consideration of cases for appointment on the post of Veterinary Assistant Surgeon was a Degree of Bachelor in Veterinary Science from any recognized Indian University and the necessary registration under the provisions of the Indian Veterinary Council Act, 1984 (hereinafter referred to as "the Act of 1984"). By notification dated 10-12-2012 the number of posts were increased to 504 and the last date for filling up online application also extended to 16-12-2012 whereas the last date for accepting application forms by hand was extended to 26-12-2012. On 31-12-2012 another clarification was issued whereby the number of posts advertised was increased to 525 while maintaining all the other conditions of advertisement previously notified.

All the petitioners, at the relevant time, were students who were undergoing studies in the Nanaji Deshmukh Veterinary Science University, Jabalpur and had completed the written part of their course, pursuant to which they have been granted a course completion certificate on 22-12-2012, copies of which have been collectively filed along with the petition as Annexure P-2 and were also granted provisional registration for the purposes of undertaking internship by the M.P. Veterinary Council, Bhopal on 24-12-2012, copies of which have been collectively filed as Annexure P-3.

On the strength of the aforesaid documents the petitioners applied for being considered for appointment on the post of Veterinary Assistant Surgeon but their applications were not accepted on the ground that they do not possess the necessary educational qualification prescribed by the Rules, i.e. a Degree of Bachelor in Veterinary Science and Animal Husbandry. The petitioners, being aggrieved, have filed these petitions.

2. It is pertinent to note that by an interim order dated 4-4-2013 the petitioners have been permitted to participate in the selection process subject to the condition that their result shall not be declared without the leave of the Court and their participation in the selection process would not create any equity in their favour.

3. The learned counsel for the petitioner submits that the petitioners are fully qualified for being considered for appointment on the post of Veterinary Assistant Surgeon in view of the provisions of the Indian Veterinary Council Act and the Regulations of 1993 framed thereunder. It is submitted by the learned counsel for the petitioners that the term recognized Veterinary qualification has been

defined u/s 2(e) of the Act of 1984, to mean any of the Veterinary qualifications included in the first schedule or the second schedule and that the B.V.Sc. & A.H. degree obtained by them is included in the First Schedule of the Act.

4. The learned counsel for the petitioners has relied upon the provisions of Section 22 of the Act, which provides that the minimum standards of veterinary education may be prescribed by the Veterinary Council of the State to which the Act extends and submitted that pursuant to the aforesaid powers the Veterinary Council of India (Minimum Standards of Veterinary Education Degree Course - B.V.Sc. & A.H.) Regulations, 1993 (hereinafter referred to as the Regulations of 1993) have been framed. Relying upon Regulation 7(2)(ii) and (iii) of the Regulations of 1993, the learned counsel for the petitioners submits that the Regulations themselves provide for issuance of a provisional course completion certificate on passing the final examination which, in the instant case, has been issued on 22-12-2012 by the respondents vide Annexure P-2 and pursuant to the aforesaid provisional course completion certificate, the respondent Veterinary Council of the State has granted provisional registration to the petitioners on 24-12-2012 as envisaged by Regulation 7(2)(ii) of the Regulations of 1993 and in such circumstances as the petitioners are holders of the course completion certificate and the provisional registration, they should be deemed to be holders of a B.V.Sc. & A.H. degree as they have completed the B.V.Sc. & A.H. course and are, therefore, entitled to be considered for appointment on the post of Veterinary Assistant Surgeon.

5. It is also contended by the learned counsel for the petitioners that recruitment on the post of Veterinary Assistant Surgeon has been undertaken by the respondent State after a long lapse of 10 years and there is all possibility of the next recruitment being undertaken by the State after another lapse of 10 years by which date the petitioners would become overage and in such circumstances, looking to the aforesaid aspect, the petitioners who have completed their Degree in B.V.Sc. & A.H. be permitted to participate in the selection process and the act of the respondents in not permitting them to do so is contrary to law and deserves to be quashed.

6. The learned counsel for the respondent PSC, per contra, submits that the last date for filling online application form, as extended by the advertisement dated 10-12-2012, was 16-12-2012 and the last date for accepting the application form by hand was 26-12-2012. It is pointed out by the learned counsel for the respondent that in view of the admission made by the petitioners in paragraphs 1.4, 5.2 and 5.4 of their petition, it is clear that the petitioners knew and have admitted that they do not possess a Degree in B.V.Sc. & A.H. on the last date/cut-off date prescribed in the advertisement and in such circumstances the respondent PSC has not committed any mistake or illegality in rejecting the applications of the petitioners.

7. It is further contended by the learned counsel for the respondent PSC that the IIIrd Schedule of the recruitment rules, namely the M.P. Veterinary Services

(Gazetted) Recruitment Rules, 1966 (hereinafter referred to as "the Recruitment Rules of 1966"), as notified on 5-11-1983, prescribes a Degree in Veterinary Science from a recognized University or institution in India or abroad, as the minimum eligible educational qualification for appointment on the post of Veterinary Assistant Surgeon. It is contended that the course completion certificate and provisional registration certificate, Annexure P-2 & P-3, issued to the petitioners are not sufficient for the purposes of completing the B.V.Sc. course as the course would be completed only when the compulsory rotational internship is successfully completed by the candidate and a degree has been issued to them and they have been duly registered under the provisions of the Act and the Rules and, therefore, the contention of the learned counsel for the petitioners based on Annexure P-2 & P-3 deserves to be rejected. It is also submitted that pursuant to the selection process, interview for the post of Veterinary Assistant Surgeon have also taken place on 22-6-2013 but the result of the selection process have not been declared till date.

8. Looking to the controversy involved, this Court by order dated 18-6-2013 had directed the competent authorities of the State and its counsel to file an affidavit to clarify as to whether the petitioners are the persons who have completed their B.V.Sc. course and hold a degree in that regard and also make a statement regarding the value of their certificates, Annexures P-2 & P-3 issued to the petitioners, pursuant to which the respondents have filed an affidavit sworn by the Joint Director of Veterinary Services along with a letter issued by the Registrar of respondent No. 5 dated 24-6-2013 wherein it has been stated that the Degree in B.V.Sc. & A.H. is complete only when a student has completed the B.V.Sc & A.H. course which includes compulsory internship and that without successful completion of internship a degree in B.V.Sc. & A.H. cannot be issued, in the following terms:--

9. In reply, the learned counsel appearing for the petitioners has placed before this Court the provisional Degree certificate issued to some of the petitioners dated 28-6-2013 on completing the compulsory internship subsequent to the filing of the present petitions and has contended that even otherwise as the petitioners have now obtained the B.V.Sc. & A.H. Degree, they should be declared to be qualified for appearing in the selection process and their cases should be directed to be considered for appointment on the post of Veterinary Assistant Surgeon pursuant to the advertisement issued by the respondents.

10. I have heard the learned counsel for the parties at length. From a perusal of Schedule III of the Recruitment Rules of 1966, it is clear that the requisite and necessary educational qualification prescribed for appointment on the post of Veterinary Assistant Surgeon is a Bachelors Degree in Veterinary Science from a recognized University or institution in India or abroad. It is also undisputed that the degree course being perused by the petitioners in the instant case is duly recognized.

11. Section 22(1) of the Act of 1984, enables the Council to prescribe the

minimum standard of veterinary education and apparently does not deal with recognition of any educational qualification. In exercise of powers u/s 22(1) read with section 21 of the Act of 1984, the Veterinary Council of India with the approval of the Central Government has framed the Regulation of 1993. Part-II of the Regulations of 1993, deals with the course of study, Clause (1) of which provides that a degree course of B.V.Sc. & A.H. shall comprise of a course of study consisting of the curriculum and syllabus provided in these regulations spread over five complete academic years including a compulsory internship of six months duration undertaken after successful completion of all credit hours provided in the syllabus. Part-IV which contains Regulation 7(2) of the Regulations of 1993, deals with internship. A conjoint reading of clauses (i), (ii), (iii), (iv) & (vii)(b) & (viii) of the aforesaid Regulation, makes it clear that every candidate, after passing the final B.V.Sc. & A.H. examination, has to undergo compulsory rotating internship for a minimum period of six months so as to be eligible for award of a B.V.Sc. & A.H. Degree and full registration and that for the purpose of undertaking the internship the University is required to issue a provisional course completion certificate on passing of the final examination, on the strength of which a candidate is granted provisional registration by the State Veterinary Council for a limited period of six months to enable him to undertake training as a Veterinary Surgeon during internship. Clause (vii)(b) & (viii) of the Regulations of 1993, further provides that the Dean/Principal/Associate Dean, as the case may be, based on the record of the work of the student, shall thereafter issue a certificate of satisfactory completion of training "following which" the University shall award the B.V.Sc. & A.H. Degree or the provisional certificate and that the candidate shall get himself registered with the State Veterinary Council only after the award of B.V.Sc. & A.H. Degree or a provisional certificate in that regard by the University.

12. From a perusal of the aforesaid provisions of law and the Regulations, it is clear that the B.V.Sc. & A.H. Degree can be awarded to a candidate only after he successfully completes his compulsory internship and the issuance of a successful completion certificate in that regard. When the documents, Annexure P-2 & P-3, are read along with the aforesaid Regulations of 1993, it is clear that the aforesaid documents only certify that the candidate has passed the final examination and is now eligible for undertaking internship. This fact is clearly mentioned in the last paragraph of the certificate issued to the petitioners, Annexure P-2. It is also clear that this certificate has been sent to the Registrar of State Veterinary Council, Bhopal to enable him to issue a provisional registration certificate as envisaged in Regulation 7(2)(iv) of the Regulations of 1993, so that the candidate can undertake internship training as a Veterinary Surgeon and this has been clarified by the Council in notes No. 1 & 2 appended to the certificates which read as under:-

13. It is also clear from a perusal of the last column of this certificate, Annexure P-3, that they were valid only upto 23-6-2013 for undertaking internship and that final registration, after completion of internship, would be granted only after

this provisional certificate is returned and deposited with the Council.

14. It is pertinent to note that the petitioner themselves were very clear about this factual position and have, therefore, admitted this fact in paragraph 1.4, page 12 (subject in brief) and paras 5.3 and 5.5 of the petition, in the following terms:-

4. Subject in briefIt is submitted that the vacancies have been advertised after about 10 years. In all such cases, the applications of those, who have completed their courses and are prosecuting their internship, are also accepted. But the action of the MPPSC (respondent No. 3) in not accepting the application of the petitioners is illegal and amounts to violation of the fundamental rights of the petitioners.

The petitioners have the Course Completion Certificates. They are also registered under the provisions of Indian Veterinary Council Act, 1984. As such the petitioners shall complete their 180 days internship on 23-6-2013 and whereupon in terms of Indian Veterinary Council Act, 1984 they shall be conferred their B.V.Sc. Degrees and Permanent Registrations much before the due date of interview/preparation of the final select list of the posts in question.

5.3 That the petitioners shall complete their 180 days internship on 23-6-2013 they shall be conferred their B.V.Sc. Degrees and be granted permanent registration in terms of the Act. Presently the petitioners are undergoing 6 months/180 days internship at Veterinary College & Hospital, Jabalpur since dt. 24-12-2012 which shall be completed on 23-6-2013.

5.4 xxx xxx xxx

5.5 That as aforesaid the petitioners have already successfully appeared in all the five professional examinations of B.V.Sc. and A.H. course as certified vide Annexure P-2 Series supra and have also been given temporary registration Annexure P-3 series supra. The petitioners have already completed nearly half of their internship which will be concluded on 23-6-2013 and they will be getting the graduation degrees as also their permanent registration immediately thereafter.

15. It is clear and undisputed from a perusal of the aforesaid admission of the petitioners themselves that the petitioners were well aware of the fact that they would complete their internship only on 23-6-2013, i.e. well after 16-12-2012 and 26-12-2012 which are the cut-off dates mentioned in the advertisement.

16. From the aforesaid facts and circumstances, it is clear and manifestly evident that the petitioners did not possess the minimum eligibility qualification on the last date of submission of the forms.

17. At this stage, it is pertinent to take into consideration the stipulation made by the respondents in the advertisement itself. The first advertisement dated 8-10-2012 clearly stipulates in para-1 itself that the applications would only be

received online and that the last date for receiving such online applications would be 9-11-2012. Note-appended to the advertisement clearly specifies that the candidate applying must possess the requisite qualification on the last date/cut off date for filling/submitting online forms and that any person who acquires eligibility qualification after the cut-off date would not be eligible for participating in the selection process. Clause of the note which relates to the description of the post provides that the minimum eligible qualification would be a degree of B.V.Sc. & A.H. and registration by the State Veterinary Council under the Act of 1984.

18. Note (2) of the advertisement also states that the State would have the power to increase the number of posts advertised. By the subsequent publication dated 10-12-2012 the cut-off date for submitting online forms was extended upto 16-12-2012 and it was also provided that the application forms by hand could be submitted to the competent authority upto 26-12-2012. By this advertisement the number of posts was also increased from 308 to 504. The respondents, thereafter, issued another advertisement by which while the number of posts were increased to 525 all other terms of the advertisement were maintained.

19. It is not disputed that the petitioners applied within the time prescribed for being considered for appointment on the post of Assistant Veterinary Surgeon and have filed applications, however, their applications were not accepted on account of the fact that they do not possess the requisite educational qualification as notified in the advertisement.

20. Though, rival submissions have been made by the learned counsel for the parties, the law in this regard has been settled by the Supreme Court in several decision which has been summarized in the case of Ashok Kumar Sonkar Vs. Union of India (UOI) and Others, in the following terms:--

14. A review application was filed which was admitted. The matter was again placed before a three Judge Bench of this Court in Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another, One of the issues which fell for consideration of the Bench being issue No. 1 reads as under:

(1) Whether the view taken by the majority (Hon"ble Dr. Thommen and V. Ramaswami, JJ.) that it is enough for a candidate to be qualified by the date of interview even if he was not qualified by the last date prescribed for receiving the applications, is correct in law and whether the majority was right in extending the principle of Rule 37 of the Public Service Commission Rules to the present case by analogy?

15. It was held:

So far as the first issue referred to in our order dated 1-9-1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr. T.K. Thommen and V. Ramaswami, JJ.) is unsustainable in law. The proposition that

where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment. This is also the proposition affirmed in *Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others*, . The reasoning in the majority opinion that by allowing the 33 respondents to appear for the interview, the recruiting authority was able to get the best talent available and that such course was in furtherance of public interest is, with respect, an impermissible justification. It is, in our considered opinion, a clear error of law and an error apparent on the face of the record. In our opinion, R.M. Sahai, J. (and the Division Bench of the High Court) was right in holding that the 33 respondents could not have been allowed to appear for the interview.

The said decision is, therefore, an authority for the proposition that in absence of any cut-off date specified in the advertisement or in the rules, the last date for filing of an application shall be considered as such.

16. Indisputably, the appellant herein did not hold the requisite qualification as on the said cut-off date. He was, therefore, not eligible therefor.

17. In *Bhupinderpal Singh and Others Vs. State of Punjab and Others*, this Court moreover disapproved the prevailing practice in the State of Punjab to determine the eligibility with reference to the date of interview, inter alia, stating:

13. Placing reliance on the decisions of this Court in *Ashok Kumar Sharma vs. Chander Shekhar*, *A.P. Public Service Commission vs. B. Sarat Chandra*, *District Collector and Chairman, Vizianagaram Social Welfare Residential School Society vs. M. Tripura Sundari Devi*, *Rekha Chaturvedi vs. University of Rajasthan*, *M.V. Nair (Dr) vs. Union of India* and *U.P. Public Service Commission U.P., Allahabad vs. Alpna* the High Court has held (i) that the cut-off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut-off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; (ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last

date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with. However, there are certain special features of this case which need to be taken care of and justice be done by invoking the jurisdiction under Article 142 of the Constitution vested in this Court so as to advance the cause of justice.

18. Yet again in *Shankar K. Mandal and Others Vs. State of Bihar and Others*, this Court held that the following principles could be culled out from the aforementioned decisions:

(1) The cut-off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules.

(2) If there is no cut-off date appointed by the rules then such date shall be as appointed for the purpose in the advertisement calling for applications.

(3) If there is no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications were to be received by the competent authority.

19. In *M.A. Murthy Vs. State of Karnataka and Others*, a contention was made that *Ashok Kumar-II (supra)* was to operative prospectively or not. The said contention was rejected, stating:

It is for this Court to indicate as to whether the decision in question will operate prospectively. In other words, there shall be no prospective overruling, unless it is so indicated in the particular decision. It is not open to be held that the decision in a particular case will be prospective in its application by application of the doctrine of prospective overruling. The doctrine of binding precedent helps in promoting certainty and consistency in judicial decisions and enables an organic development of the law besides providing assurance to the individual as to the consequences of transactions forming part of the daily affairs. That being the position, the High Court was in error by holding that the judgment which operated on the date of selection was operative and not the review judgment in *Ashok Kumar Sharma Case No. II*. All the more so when the subsequent judgment is by way of review of the first judgment in which case there are no judgments at all and the subsequent judgment rendered on review petitions is the one and only judgment rendered, effectively and for all purposes, the earlier decision having been erased by countenancing the review applications. The impugned judgments of the High Court are, therefore, set aside.

20. Possession of requisite educational qualification is mandatory. The same should not be uncertain. If an uncertainty is allowed to prevail, the employer would be flooded with applications of ineligible candidates. A cut-off date for the purpose of determining the eligibility of the candidates concerned must, therefore, be fixed. In absence of any rule or any specific date having been fixed

in the advertisement, the law, therefore, as held by this Court would be the last date for filing the application.

21. It is also apparent from a perusal of the aforesaid decision and the law laid down by the Supreme Court therein that while doing so the Supreme Court has also taken into consideration its previous judgments rendered in the cases of Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another, ; A.P. Public Service Commission, Hyderabad and Another Vs. B. Sarat Chandra and Others, ; District Collector and Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram and Another Vs. M. Tripura Sundari Devi, Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others, Dr. M.V. Nair Vs. Union of India (UOI) and Others, and U.P. Public Service Commission U.P., Allahabad and Another Vs. Alpana, . Similar view has also been taken by the Supreme Court in the case of AIR 1998 91 (SC)

22. In a subsequent decision reported in the case of Alka Ojha Vs. Rajasthan Public Service Commission and Another, the Supreme Court has again considered the aforesaid decisions and has reiterated the law in the following terms:--

15. The question whether the candidate must have the prescribed educational and other qualifications as on the particular date specified in the Rule or the advertisement is no longer res integra. In Bhupinderpal Singh and Others Vs. State of Punjab and Others, , this Court referred to the earlier judgments in A.P. Public Service Commission, Hyderabad and Another Vs. B. Sarat Chandra and Others, District Collector and Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram and Another Vs. M. Tripura Sundari Devi, Dr. M.V. Nair Vs. Union of India (UOI) and Others, Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others, , U.P. Public Service Commission U.P., Allahabad and Another Vs. Alpana, and Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another, and approved the following proposition laid down by the Punjab and Haryana High Court, Bhupinderpal Singh (supra):

13..... (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; (ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority.

16. The same view was reiterated in M.A. Murthy vs. State of Karnataka (supra) and Ashok Kumar Sonkar vs. Union of India (supra). Therefore, the Full Bench of the High Court rightly held that a candidate who does not possess driving licence on the last date fixed for submission of the application is not eligible to be considered for selection.

23. From a perusal of the aforesaid law laid down by the Supreme Court, it is clear that it is not enough for a candidate to be qualified on the date of interview

or selection and that he must in fact possess the requisite qualifications necessary for being considered for appointment on the last date specified and notified for receiving the applications and that in such cases hardship in individual cases or consideration on sympathetic grounds is not permissible for extending the date as it would result in gross injustice to others. In other words, if a candidate does not possess the necessary qualifications on the cut off date, he is disqualified and cannot be permitted to participate in the selection process or be considered therein.

24. Similar view has been taken by a learned Single Judge of the Indore Bench of this Court in the case of Dr. Kantu Damor vs. State of M.P. and others, W.P. No. 5590/2008 (S) decided on 26-7-2010, again relying upon the decision of the Supreme Court in the case of Ashok Kumar Sonkar (supra) as well as the judgments of the Supreme Court reported in the cases of Dipitima Yee Oarida vs. State of Orissa and others, 2009 (J) SCC (L & S) 50 , Chief Executive Officer, N.S.S.O. and Others Vs. Biswa Bhusan Nandi, I am in respectful agreement with the view taken by the learned Single Judge in the aforesaid judgment.

25. In view of the aforesaid facts and circumstances, as it is established without doubt on the basis of the aforesaid analysis and the petitioners' statement in the petition itself that they did not possess the necessary qualifications on the cut-off date specified in the advertisement, their applications have rightly been rejected as they have no right to participate in the selection process for making appointments on the post of Veterinary Assistant Surgeons. I am also of the considered opinion that in view of the law laid down by the Supreme Court in the aforementioned cases, even if the petitioners have completed their internship in June, 2013 and have been registered under the Act of 1984 during the pendency of the present petition, they are not entitled to any relief as they did not possess the necessary qualifications on the cut off date specified in the advertisement.

26. In the result, I find no merit in the petition which is accordingly dismissed.

27. It is clarified that the interim order would not confer any right on the petitioners as their consideration in the selection was pursuant to the interim order passed by this Court which stands vacated on the dismissal of the present petition. In the facts and circumstances of the case, there shall be no order as to the costs.

A copy of this order be placed in the record of W.P. No. 6388/2013.