

(2015) 11 P&H CK 0120

In the Punjab And Haryana At Chandigarh

Case No : LPA Nos. 1105, 1098, 1099, 1102, 1104, 1106, 1107, 1145, 1159, 1591 and 1675 of 2015 (O and M)

Suresh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 20-11-2015

Acts Referred:

Citation : (2016) 1 SCT 655

Hon'ble Judges : S.S. Saron and Amol Rattan Singh, JJ.

Bench : Division Bench

Advocate : Pawan Girdhar, Addl. Advocate General, for the Respondent

Final Decision : Allowed

Judgement

S.S. Saron, J.—This appeal will dispose of the LPAs No. 1098, 1099, 1102, 1104 to 1107, 1145, 1159, 1591 and 1675 of 2015 as these arise out of the same judgment and order dated 16.5.2015 passed by the learned Single Judge in CWP No. 6784 of 2014 in pursuance of which, the said petition and other connected writ petitions were dismissed. The facts have been taken from LPA No. 1105 of 2015.

2. The appellants are students of the International Institute of Veterinary Education and Research, Bahu Akbarpur, Rohtak ("International Institute" - for short), which is managed by the Jan Shakti Charitable Trust, Rohtak ("Trust" - for short). In their respective petitions filed in this Court they sought the setting aside and quashing of the proceedings dated 16.1.2014 of the meeting conducted under the Chairmanship of the Principal Secretary to Government of Haryana, Animal Husbandry and Dairying Department regarding establishment of private Colleges offering Veterinary and Livestock Development Diploma Course ("VLD Diploma Course" - for short) by which they were debarred from taking the second/final year examination, while appellants in LPA No. 1159 of 2015 and others of the first year, were debarred from appearing in the first year of the said two years VLD Diploma Course that was to be conducted by the College of

Veterinary Sciences, Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar ("Lala Lajpat Rai University" - for short). A further prayer made by the appellants, other than appellants in LPA No. 1159 of 2015 and others of the first year, was for allowing them to appear in the second/final year examination that was scheduled to be held from 16.4.2014, while that of the appellants in LPA No. 1159 of 2015 and others of the first year was for allowing them to appear in the first year examination of the VLD Diploma course. The learned Single Judge by an interim order dated 11.4.2014 permitted the appellants to sit in the first and second year examinations of the VLD Diploma Course. It was made clear that the arrangement was provisional and they would not claim any equity on the basis of the interim order. The appellants have since appeared in the first year and second year final examination as the case may be of the VLD Diploma Course in consequence of the interim order. Thereafter, the writ petitions were dismissed and the appellants aggrieved against the same have filed the present appeals.

3. The International Institute is being run by the Trust. It applied to the State Government for conducting courses in Animal Husbandry and Dairying. The Director General, Animal Husbandry and Dairying, Haryana Panchkula vide letter dated 4.4.2011 issued "No Objection Certificate" ("NOC - for short) on certain conditions to the Trust for establishing a Veterinary College in private sector at village Bahu Akbarpur, Rohtak. The Trust vide letter dated 17.6.2011 also sought NOC for conducting VLD Diploma Course in response to which the Director General, Animal Husbandry and Dairying Haryana vide letter dated 25.7.2011 clarified that the Trust had been granted NOC for establishing a veterinary college in private sector as per the project plan submitted by it which contains the Bachelor of Veterinary Sciences and Animal Husbandry ("BVSc & AH" - for short) and VLD Diploma Courses. Therefore, as per its project and plan, it may also run VLD Diploma Course in its College.

4. Provisional affiliation was granted to the International Institute by Lala Lajpat Rai University in terms of letter dated 26.9.2011, which was subject to conditions mentioned therein. The International Institute accordingly issued a prospectus dated 28.10.2011 offering Diploma course in Veterinary and Livestock Development as per syllabus of College of Veterinary Sciences, Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar. The last date for submission of application forms for admissions to VLD Diploma Course with the International Institute was 11.11.2011. The admissions for the VLD Diploma Course were completed by 30.11.2011. The appellants, other than the students of the Session 2012-13, applied for and were granted admissions in the 2011-12 Session of the VLD Diploma Course and completed their first year in 2012. The examinations for the first year of Session 2011-12 were conducted in June/July 2012 by the International Institute itself and not by the Lala Lajpat Rai University, Hissar.

5. The Director General Animal Husbandry and Dairying, Haryana issued a letter dated 4.11.2011 regarding fee structure for VLD Diploma Course and Veterinary

Laboratory Technician Course. The fee structure for the VLD Diploma Course was Rs. 60,000/- for open quota seats and Rs. 1,25,000/- for Management Quota seats; besides, certain conditions were provided which included that 50% seats for the VLD Diploma Course shall be filled from the merit list prepared by the College of Veterinary Sciences, Lala Lajpat Rai University on the basis of the entrance test conducted by it for the year concerned and 50% by the Management of the Institution of the Trust on the basis of inter se merit of the candidates approaching it for this Course.

6. The International Institute then conducted admissions for the VLD Diploma Course for the Session 2012-13 and admissions were given on the basis of the prospectus dated 25.6.2012. The students of the Session 2011-12 who passed the first year examination were admitted to the second year of the VLD Diploma Course in the International Institute.

7. The Trust applied for affiliation to the Lala Lajpat Rai University and its inspection was conducted. The Lala Lajpat Rai University vide letter dated 25.9.2012 with reference to the application of the Trust dated 17.9.2012 granted provisional affiliation subject to certain conditions to the International Institute. Therefore, the Trust and the International Institute had provisional affiliation of the Lala Lajpat Rai University for conducting the VLD Diploma Course for the academic Sessions 2011-12 and 2012-13.

8. The College of Veterinary Sciences of Lala Lajpat Rai University issued norms, procedure and guidelines for affiliation of the Institutions offering/desirous of starting VLD Diploma Course in the State of Haryana on 15.4.2013. According to a note in the norms, it was provided that in respect of the Institutions that had started academic activities before the guidelines were issued, on the basis of NOC issued by the State Government, affiliation may be given provisionally for such batches subject to complete compliance through academic standards pertaining to the period of teaching already completed before applying for affiliation. Besides, the internal assessments previously awarded to students by an institution applying for affiliation, may be recognized for successful completion of the course by students; however, all students of such affiliated institutions were to appear and clear the annual examinations of first year and second year conducted by the Lala Lajpat Rai University so as to complete the diploma course successfully.

9. In view of the said note, the students who had joined the International Institute in the Session 2011-12 and had appeared in the first year internal examination conducted by the said Institute and were studying in the second year were required to appear in the annual examination of first year, which was to be conducted by the Lala Lajpat Rai University. In the circumstances, the batch of students for the Sessions 2011-12 and 2012-13 appeared in the first year examination of VLD Diploma Course, which was conducted by the Lala Lajpat Rai University during June/July 2013 and the results were declared. The students of 2011-12 batch had by then already completed the second year of the

VLD Diploma Course while those of 2012-13 batch joined the second year of the VLD Diploma Course being conducted by the International Institute.

10. The College of Veterinary Sciences, Lala Lajpat Rai University thereafter vide memo dated 5.6.2013 with reference to the application of the Trust dated 20.4.2013 granted affiliation to the International Institute being run by the Trust for offering VLD Diploma Course. Certain shortcomings were noticed by the inspection teams which were asked to be completed at the earliest possible. The Inspection of the International Institute was carried out by a Committee from the College of Veterinary Sciences, Lala Lajpat Rai University.

11. In respect of the inspection that was conducted of the International Institute by the College of Veterinary Sciences, Lala Lajpat Rai University, a letter dated 3.10.2013 was addressed by the Dean College of Veterinary Sciences, Lala Lajpat Rai University to the Principal Secretary-cum-Financial Commissioner, Animal Husbandry and Dairying Department, Chandigarh. According to the said letter dated 3.10.2013 of the College of Veterinary Sciences, Lala Lajpat Rai University, three shortcomings were pointed i.e. the students admitted at the International Institute had less than 65% marks in matriculation, some students had less than 55% marks in 10+2 examination and some students did not meet the age requirement which was 22 years.

12. The State Government held its impugned meeting in this regard on 16.1.2014 under the Chairmanship of Principal Secretary to Government of Haryana Animal Husbandry and Dairying Department. It was noticed that NOC for conducting VLD Diploma Course was granted to the Trust vide memo dated 25.7.2011 and memo dated 4.11.2011. Besides, vide memo dated 24.7.2012 NOC was also given for conducting VLD Diploma course to M/s. Amarjit Education Society (Regd.) "Chhuchhukwas" District Jhajjar. The condition in the NOC dated 25.7.2011 issued by the Director General, Animal Husbandry and Dairying, Panchkula to the Trust for running VLD Diploma Course was that the proposed College shall have to be affiliated to the Lala Lajpat Rai University. The Institutions i.e. International Institute and the other Institute (M/s. Amarjit Education Society) it was observed had given admissions to candidates for VLD Diploma course in the year 2011 and 2012. The issue for the award of diploma certificates to these students was discussed at length in the meeting and it was decided that the Lala Lajpat Rai University would conduct the examination of candidates of VLD Diploma Course strictly in accordance with the conditions imposed on the above mentioned Institutions while granting NOC for conducting the VLD Diploma Course in their institutions. The minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLD Diploma Course in College of Veterinary Sciences, Lala Lajpat Rai University shall be maintained by private Institutions also. It was decided in the meeting that the examinations of students of these two private Institutions who fulfilled the above standards be conducted under full supervision of College of Veterinary Sciences, Lala Lajpat Rai University.

13. In pursuance of the impugned proceedings, the shortcomings with regard to the educational qualifications and age were noticed. The decision of the impugned proceedings was that the students of the International Institute who were admitted for the Sessions 2011-12 and 2012-13 to the two year VLD Diploma Course were to comply with the conditions for the said course as provided by the College of Veterinary Sciences, Lala Lajpat Rai University, Hisar and not that as were prescribed by the prospectus issued by the International Institute on 28.10.2011. The appellants of the 2011-12 and the 2012-13 batches of the VLD Diploma Course were to appear in the first year and second year examinations respectively, which were scheduled to be held in the month of April 2014. They were not allowed to appear in the examinations on the ground of being ineligible for VLD Diploma Course according to the pre-requisites laid down by the College of Veterinary Sciences Lala Lajpat Rai University, Hisar. Accordingly they filed writ petitions in this Court and the learned Single Judge, as already noticed, vide interim order dated 11.4.2014 allowed them to sit in the first and second year examinations of VLD Diploma Course commencing from 16.4.2014. The appellants accordingly appeared for the first and second years examinations of the VLD Diploma course. The writ petitions were, however, dismissed by the learned Single Judge and aggrieved against the same the appellants have filed the present appeals.

14. Mr. Rajbir Sherawat, Advocate learned counsel appearing for the appellants and other learned counsel appearing for the appellants have contended that the State Government had granted NOC to the Trust for running the International Institute on 4.4.2011 and 25.7.2011 and there was no condition in the same that the International Institute being run by the Trust is to maintain the minimum standards relating to maximum age and minimum educational qualification as maintained for the VLD Diploma Course in College of Veterinary Sciences, Lala Lajpat Rai University. Besides, there was no such condition in the affiliation granted by the Lala Lajpat Rai University to the International Institute vide letters dated 26.9.2011, 25.9.2012 and 5.6.2013. The appellants applied for and were given admissions by the International Institute on the basis of qualifications provided for in its prospectus that was issued, which has the force of law. The requirement of recognition from the Veterinary Council of India, it is submitted is for the BVSc & AH Degree Programme and not for the VLD Diploma Course. There were no misrepresentations on their part. Besides, the appellants appeared for the first year of the VLD Diploma Course in the examinations conducted by the Lala Lajpat Rai University holding them to be eligible for appearing in the examinations. Therefore, after the students of the 2011-12 and 2012-13 batches of the VLD Diploma Course of the International Institute had appeared for the first year examinations conducted by the Lala Lajpat Rai University in 2013, it cannot now be said that they were ineligible for taking the VLD Diploma course. The Lala Lajpat Rai University, it is submitted, is in fact estopped by its act, conduct and acquiescence from raising such a plea so as to deny the appellants the benefit of the VLD Diploma Course degree.

15. In response, Mr. Dinesh Arora, Advocate for the International Institute has, supported the stand of the appellants and submitted that the appeals deserve to be allowed.

16. Mr. Pawan Girdhar, Addl. Advocate General Haryana and Mr. D.S. Rawat, Advocate for Lala Lajpat Rai University have strenuously opposed the appeals. According to them the minimum standards relating to maximum age and minimum educational qualification as maintained in the VLD Diploma Course in the College of Veterinary Sciences, Lala Lajpat Rai University were liable to be maintained in consonance with the Government decision taken in its meeting held on 16.1.2014. Besides, the International Institute did not adhere to the condition of filling 50 % of its seats for the VLD Diploma Course through an open competitive test to be conducted by College of Veterinary Sciences, Lala Lajpat Rai University as was provided for by the Government vide its letter dated 4.11.2011 relating to fee structure for VLD Diploma Course.

17. We have given our thoughtful consideration to the entire matter.

18. The International Institute is being run by the Trust and it is conducting the VLD Diploma course. The Director General, Animal Husbandry and Dairying, Haryana Panchkula vide letter dated 4.4.2011 issued NOC to the Trust for establishing a veterinary college in private sector at village Bahu Akbarpur, Rohtak. The following conditions were provided in the NOC that was granted:--

"1. The college shall obtain recognition from the Veterinary Council of India, New Delhi and seek its approval before the students are admitted to the first year of BVSc & AH (Bachelor of Animal Sciences and Animal Husbandry).

2. The proposed college shall have to be affiliated to the Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar.

3. No financial assistance/grant will be given to the Trust by the State Government for setting up of his Veterinary College.

4. The Trust shall establish a Veterinary Hospital and other infrastructure as per the guidelines of the Veterinary Council of India to meet the requirement of the College and area.

5. The admission and fee structure, for the college will be approved by the State Government. 50% of the total intake will be State quota seats. Remaining 50% will be management quota seats including 15% NRI quota seats.

6. The institution shall at all times abide by the conditions laid down by the Government and State Veterinary Council as well as Veterinary Council of India."

19. The Trust vide letter dated 17.6.2011 also sought NOC for conducting VLD Diploma Course in response to which the Director General, Animal Husbandry and Dairying Haryana vide letter dated 25.7.2011 clarified that the Trust had been granted NOC for establishing a veterinary college in private sector as per the project plan submitted by it which contains the BVSc & AH and VLD Diploma

Courses. Therefore, as per its project and plan, it may also run VLD Diploma in its College.

20. The Lala Lajpat Rai University vide letter dated 26.9.2011 was pleased to grant provisional affiliation to the International Institute at Rohtak subject to the following conditions:--

"(i) The International Institute of Veterinary Education and Research Bahu Akbarpur NH-10 Rohtak shall follow the rules and guidelines of affiliation framed by the University from time to time.

(ii) The admission to the BVSc & AH degree programme shall be given only after obtaining the recognition from the Veterinary Council of India on yearly basis till permanent recognition."

21. The Trust was also requested to deposit affiliation fee of Rs. 1 lac for the first year within 15 days, otherwise, the affiliation would be cancelled. The International Institute accordingly issued a prospectus on 28.10.2011 offering VLD Diploma course as per syllabus of college of Veterinary Sciences, Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar. The Prospectus dated 28.10.2011 was issued by the International Institute and the last date for submission of application forms for admission to VLD Diploma Course was 11.11.2011. All admission forms were required to be submitted by self-attested copies of various documents including matriculation certificates and mark-sheets of 10+2 examinations. The pre-requisite for admission to the VLD Diploma Course was as follows:--

"1. He should have passed 10+2 in any stream from recognized Board/University with 50% marks in aggregate (40% for SC/BC only).

2. Age as on 31.12.2011 should not be less than 17 years."

22. The admissions for the VLD Diploma Course of the Session 2011-12 were started and completed by 30.11.2011. The appellants, other than the appellants of the Session 2012-13, applied for and were granted admissions in the 2011-12 Session of the VLD Diploma Course completed their first year in 2012. The examinations for the first year of Session 2011-12 were conducted in June/July 2012 by the International Institute itself and not by the Lala Lajpat Rai University, Rohtak. The International Institute then also conducted admissions for the VLD Diploma Course for the session 2012-13 and admissions were given. The students of the session 2011-12 who passed the first year examinations were admitted to the second year of the VLD Diploma Course in the International Institute.

23. The Director General Animal Husbandry and Dairying, Haryana issued a letter dated 4.11.2011 regarding fee structure for VLD Diploma Course and Veterinary Laboratory Technician Course. The fee structure for the VLD Diploma Course was Rs. 60,000/- for open quota seats and Rs. 1,25,000/- for Management Quota seats. The fee structure was subject to the following conditions:--

"1. That your institution will not admit more than 90 students in one batch for Veterinary Livestock Development Diploma Course in a year.

2. That your institution will not admit more than 40 students in one batch for Veterinary Technician Diploma Course in a year.

3. 50% of the total seats shall be filled up from the merit list prepared by College of Veterinary Sciences, LLRUVAS (Lala Lajpat Rai University of Veterinary and Animal Sciences) for Veterinary and Livestock Diploma Course on the basis of entrance test conducted by the above College for the year concerned and remaining 50% seats may be filled up by the Management of your institution on the basis of inter se merit of the candidates.

4. For Veterinary Laboratory Technician Course, the seats will be filled up on the above said criteria as mentioned in condition No. 3 above, however, the basic qualification for this course shall be 10+2 with Science Stream."

24. The International Institute applied for affiliation to the Lala Lajpat Rai University and its inspection was conducted. The Lala Lajpat Rai University vide letter dated 25.9.2012 with reference to the application of the Trust dated 17.9.2012 granted provisional affiliation to the International Institute subject to the following conditions:--

"1. The International Institute of Veterinary Education and Research Bahu Akbarpur, NH-10 Rohtak shall follow the rules and guidelines of affiliation framed by the University from time to time.

2. The admission to the BVSc & AH degree programme shall be given only after obtaining the recognition from the Veterinary Council of India on yearly basis till permanent recognition."

25. Therefore, the Trust and the International Institute had provisional affiliation of the Lala Lajpat Rai University for running the Institute for the academic sessions 2011-12 and 2012-13 vide letters of the University dated 26.9.2011 and 25.9.2012."

26. The College of Veterinary Sciences of Lala Lajpat Rai University issued norms, procedure and guidelines for affiliation of the Institutions offering/desirous of starting VLD Diploma Course in the State of Haryana on 15.4.2013. In the said norms, a note was appended which is to the following effect:--

"In case of institutions which have started academic activities before these guidelines was issued, on the basis of NOC issued by the State Govt., affiliation may be given provisionally for such batches subject to complete compliance through verification of academic standards pertaining to the period of teaching already completed before applying for affiliation. While the internal assessments previously awarded to students by an institution applying for affiliation may be recognized for successful completion of the course by students, all students of such affiliated institutions shall have to appear and clear the annual examinations

of 1st and 2nd year conducted by the University so as to complete the diploma course successfully."

27. According to the said note, in respect of the Institutions that had started academic activities before the guidelines were issued, on the basis of NOC issued by the State Government, it was provided that affiliation may be given provisionally for such batches subject to complete compliance through academic standards pertaining to the period of teaching already completed before applying for affiliation. Besides, while the internal assessments previously awarded to students by an institution applying for affiliation may be recognized for successful completion of the course by students; however, all students of such affiliated institutions were to appear and clear the annual examinations of first year and second year conducted by the Lala Lajpat Rai University so as to complete the diploma course successfully.

28. In view of the said note, the students who had joined the International Institute in the Session 2011-12 and had appeared in the first year internal examination conducted by the said Institute and were studying in the second year, were required to appear in the annual examination of first year. This first year examination was to be conducted by the Lala Lajpat Rai University. In the circumstances, the batches of students for the Sessions 2011-12 and 2012-13 appeared in the first year examination conducted by the Lala Lajpat Rai University during June/July 2013 and the results were declared. The students of 2011-12 batch who had by then already completed the second year of the VLD Diploma Course while those of 2012-13 batch joined the second year of the VLD Diploma Course being conducted by the International Institute.

29. The College of Veterinary Sciences, Lala Lajpat Rai University vide memo dated 5.6.2013 with reference to the application of the Trust dated 20.4.2013 granted affiliation to the International Institute being run by the Trust for offering VLD Diploma Course. Certain shortcomings were noticed by the inspection teams which were asked to be completed at the earliest possible. The Inspection of the International Institute was carried out by a Committee from the College of Veterinary Sciences, Lala Lajpat Rai University.

30. In respect of the inspection that was conducted of the International Institute by the College of Veterinary Sciences, Lala Lajpat Rai University a letter dated 3.10.2013 was addressed by the Dean College of Veterinary Sciences, Lala Lajpat Rai University to the Principal Secretary-cum-Financial Commissioner, Government of Haryana, Animal Husbandry and Dairying Department, Chandigarh. It was stated therein that inspection of International Institution was carried out by a Committee from the College of Veterinary Sciences, Lala Lajpat Rai University and affiliation was given to the Session 2012-13. However, students were admitted in the International Institute for the Sessions 2011-12 and 2012-13 on their own and not through the College of Veterinary Sciences, Lala Lajpat Rai University. There were large number of complaints, right to information applications and legal notices regarding students admitted for the

VLD Diploma Course. A perusal of the record of the students revealed that minimum requirement as written in the prospectus issued by the College of Veterinary Sciences of Lala Lajpat Rai University were not fully adhered to. Some of the students admitted at the International Institute had less than 65% marks in the matriculation examinations, which was contrary to what had been specified in the prospectus of the College of Veterinary Sciences, Lala Lajpat Rai University; besides, some students had less than 55% marks in the 10+2 examination which was contrary to what was given in the University prospectus and some students did not meet their age requirements given in the University prospectus. It was requested to ask the private institution to explain these lapses as the NOC had been granted by the State Department of Animal Husbandry. It is also mentioned that though first year examinations of both classes i.e. 2011-12 and 2012-13 were provisionally conducted by the College of Veterinary Sciences of Lala Lajpat Rai University and second year examination had not yet been conducted since the affiliation was given for the year 2012-13. It was asked to be clarified whether the second year examination could be conducted or not. It is also mentioned that the International Institute now had optimum infrastructure facilities for the VLD Diploma Course but the said aspect needed to be deliberated/considered.

31. According to the said letter dated 3.10.2013 of the College of Veterinary Sciences, Lala Lajpat Rai University, three shortcomings were pointed i.e. (1) the students admitted at the International Institute had less than 65% marks in matriculation, (2) some students had less than 55% marks in 10+2 examination and (3) some students did not meet the age requirement which was 22 years.

32. The State Government held a meeting in this regard on 16.1.2014 under the Chairmanship of Principal Secretary to Government of Haryana Animal Husbandry and Dairying Department. It was noticed that NOC for conducting VLD Diploma Course was granted to the Trust vide memo dated 25.7.2011 and memo dated 4.11.2011. Besides, vide memo dated 24.7.2012 NOC was also given for conducting VLD Diploma course to M/s. Amarjit Education Society (Regd.) Chhuchhukwas, District Jhajjar. It is mentioned that one of the conditions was that 50% of the total seats shall be filled up from the merit list prepared by the College of Veterinary Sciences, Lala Lajpat Rai University for VLD Diploma Course on the basis of entrance test conducted by the College for the year concerned and remaining 50% seats may be filled up by the Management of the institution on the basis of inter se merit of the candidates. It is further recorded that the Government vide memo dated 8.11.2012 issued detailed guidelines to the Dean, College of Veterinary Sciences, Lala Lajpat Rai University regarding VLD Diploma Course conducted by private institutions. As per point 7 of the guidelines, "the Diploma Certificate after successful completion of the course shall be issued by the College of Veterinary Sciences LLRUVAS (Lala Lajpat Rai University of Veterinary and Animal Sciences) Hisar". The Institutions i.e. International Institute and the other Institute (M/s. Amarjeet Education Society (Regd.) Chhuchhukwas, Jhajjar), it was observed gave admission to candidates for VLD

Diploma course in the year 2011 and 2012. The issue for the award of Diploma Certificates to these students was discussed at length in the meeting and it was decided that the Lala Lajpat Rai University would conduct the examination of candidates of VLD Diploma Course strictly in accordance with the conditions imposed on the above mentioned Institutions while granting NOC for conducting the VLD Diploma Course in their institutions. The minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLD Diploma Course in College of Veterinary Sciences Lala Lajpat Rai University shall be maintained by private Institutions also. It was decided in the meeting that the examinations of students of these two private Institutions who fulfilled the above standards be conducted under full supervision of College of Veterinary Sciences, Lala Lajpat Rai University.

33. In pursuance of the impugned proceedings dated 16.1.2014, the shortcomings with regard to the educational qualifications and age of the students admitted to the first year VLD Diploma course were noticed. The decision of the impugned proceedings was that the students of the International Institute who were admitted for the Sessions 2011-12 and 2012-13 to the two year VLD Diploma Course were to comply with the conditions for the said course as provided by the College of Veterinary Sciences, Lala Lajpat Rai University, Hisar and not that were prescribed by the prospectus issued by the International Institute.

34. The appellants who had attended classes of the first year and second/final year of the VLD Diploma Course and were to appear in the examinations which were scheduled to be held in the month of April 2014 were not allowed to sit in the examination on the ground of being ineligible for VLD Diploma Course according to the pre-requisites laid down by the College of Veterinary Sciences, Lala Lajpat Rai University, Hisar. They accordingly filed writ petitions in this Court and the learned Single Judge, as already noticed vide interim order dated 11.4.2014 allowed them to sit in the second year of VLD Diploma Course commencing from 16.4.2014. The writ petitions were, however, dismissed by the learned Single Judge.

35. The learned Single Judge vide its impugned judgment dated 16.5.2015 as already noticed has dismissed the petitions of the appellants by holding that they did not have the necessary qualifications for appearing in the VLD Diploma Course. A reference has been made to Clause 5 of the NOC letter dated 4.4.2011 issued by the Director General, Animal Husbandry and Dairying, Haryana which inter alia provided that 50% of the total intake would be State quota seats and remaining 50% will be Management quota seats including 15% NRI quota seats. Further Clause 3 of the fee structure dated 4.11.2011 provided that 50% total seats would be filled up from the merit list prepared by the College of Veterinary Sciences, Lala Lajpat Rai University on the basis of the entrance test conducted by the University for the year concerned and the remaining 50% shall be filled up by the Management of the Trust on the basis of inter se merit of the candidates

approaching it for the course i.e. the VLD Diploma Course. It was not disputed that the International Institute had laid down its own eligibility criteria for admission to the VLD Diploma Course according to which a student was required to have passed 10+2 in any stream from recognized Board/University with 50% marks in aggregate (40% for SC/BC only) and should not be less than 17 years of age as on 31.12.2011.

36. The College of Veterinary Sciences of Lala Lajpat Rai University had laid down the following eligibility criteria for the sessions 2011-12 and 2012-13 i.e.:--

"Prospectus for Session 2011-2012:

Clause 2.18:

(i) 50% Marks (40% for SC Candidates only) in 10+2 Class.

(ii) 65% Marks (55% for SC Candidates only).

Note:

(1) The candidate must have passed in all subjects taken by him in 10th and 10+2. If a candidate has failed in any of the subjects in 10th or 10+2, he will not be eligible for admission.

(2) Percentage of matric marks will be calculated by including marks obtained in all the subjects.

Clause 2.19

The candidate should not be less than 17 years and more than 22 years of age on 1st June 2011. However, for SC and BC candidates, there will be relaxation of 5 years towards maximum age. No age bar is there for in-service candidates."

"Prospectus for Session 2012-2013:

Clause 2.15:

(i) 50% Marks (40% for SC Candidates only) in 10+2 Class.

(ii) 65% Marks (55% for SC Candidates only).

Clause 2.16

The candidates should not be less than 17 years and more than 22 years of age as on 31st of December 2012. However, for SC and BC candidates, there will be relaxation of 5 years towards maximum age. No age bar is there for in-service candidates."

37. A further reference was made by the learned Single to the note appended to the affiliation regulation dated 5.6.2013 which has been reproduced above and is to the effect that the institutions that had started academic activities before the guidelines were issued on the basis of NOC issued by the State Government were to be given provisional affiliation only for such batches subject to complete

compliance through verification of academic standards pertaining to the period of teaching already completed before applying for affiliation. The said note was held to be of no help to the International Institution because it had been clearly stipulated that the Institute, which had been given NOC and was to be provisionally affiliated had to conform to the complete compliance of the academic standards. The impugned decision taken by the Government on 16.1.2014, reads as follows:--

"The above institutions gave admission to the candidates for Veterinary Livestock Development Diploma Course in the year 2011 and 2012. The issue for the award of Diploma Certificate to these students at length was discussed in the meeting and it was decided that the LUVAS, (Lala Lajpat Rai University of Veterinary and Animal Sciences) Hisar will conduct the exam of the candidates of Veterinary Livestock Development Diploma Course strictly in accordance with the conditions imposed on the above mentioned institutions while granting NOC for conducting the VLDD (i.e. VLD Diploma) Course in their Institutions. The minimum standards relating to maximum age and minimum educational qualifications as maintained in the Veterinary Livestock Development Diploma Course in College of Veterinary Sciences, LUVAS, (Lala Lajpat Rai University of Veterinary and Animal Sciences) Hisar shall be maintained by the private institutions too.

It was decided in the meeting that the examinations of students of these two private institutions who fulfill the above standards be conducted under full supervision of College of Veterinary Sciences, LUVAS, Hisar."

38. According to the aforesaid decision, it was held by the learned Single Judge that benefit was given to the students who fulfilled the minimum standards of age and educational qualification as maintained by the College of Veterinary Sciences of Lala Lajpat Rai University and the Committee decided to take examinations of all those students admitted in International Institute who would be fulfilling the above standards of age and educational qualifications. Thus there was no question of estoppel because not only the International Institute had violated the terms and conditions of NOC dated 4.4.2011 while giving admissions as it did not adhere to the 50% intake of State quota seats but also the minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLD Diploma Course in the College of Veterinary Sciences of the Lala Lajpat Rai University. It was held that the proceedings dated 16.1.2014, were without any blemish and were not to be interfered with. However, the students who fulfilled the minimum standards relating to maximum age and minimum education qualifications as maintained in the VLD Diploma Course in the College of Veterinary Sciences of Lala Lajpat Rai University were allowed to appear in the examinations and the results of the said students were directed to be declared. The students who did not fulfill the minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLD Diploma Course in the College of Veterinary Sciences of Lala Lajpat Rai University

it was held could not claim any equity even after taking provisional examinations either conducted by the University or under the orders of this Court as the basic qualification for admission and age criteria could not be compromised. Reliance was placed on the Supreme Court decision in the case of Mahatma Gandhi University and another v. GIS Jose and others, 2009 (1) RSJ 438. However, the students who had been taken for a ride by the International Institute without disclosing all the relevant facts with regard to minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLD Diploma Course by Lala Lajpat Rai University which they did not have were held entitled to claim damages and refund of their fee in accordance with law.

39. The reasons, therefore, that have been found by the learned Single Judge for non-suiting the appellants are; (1) the minimum standards relating to age, and (2) educational qualification as were being maintained for the VLD Diploma Course of Veterinary Sciences by the College of Veterinary Sciences, Lala Lajpat Rai University were not maintained.

40. There is indeed a condition in the NOC dated 4.4.2011 issued by the Director General, Animal Husbandry and Dairying, Panchkula to the Trust for running VLD Diploma Course that 50 % of the total intake of the student would be State quota seats and remaining 50 % will be Management quota seats including 15% NRI quota seats. However, the manner in which the 50 % State quota seats were to be filled was not mentioned. The prospectus was issued by the International Institute on 28.10.2011 for the Session 2011-12 and was issued for the Session 2012-13 on 25.6.2012. It was provided in the prospectuses that admissions would be through entrance test except for NRI students. The details of the entrance test i.e. the date and time of entrance test for VLD Diploma Course was given as 13.11.2011 for the Session 2011-12 and 12.8.2012 for the Session 2012-13. The admission process was done by the International Institute itself for both the Sessions. The manner of filling 50% of the State quota seats was mentioned in the letter dated 4.11.2011 relating to fee structure for the VLD Diploma Course and Veterinary Laboratory Technician Course. Para 3 of the said letter envisaged that 50% of the total seats shall be filled up from the merit list prepared by College of Veterinary Sciences, Lala Lajpat Rai University for the VLD Diploma Course on the basis of entrance test conducted by the said College for the concerned year and the remaining 50% shall be filled up by the Management of the Institution i.e. International Institution being run by the Trust on the basis of inter se merit of candidates approaching it for the VLD Diploma Course.

41. There is indeed a lapse on the part of the Trust and the International Institute in not adhering to the norm fixed by the State Government in its letter dated 4.4.2011 which was there when the prospectus was issued on 28.10.2011 although the manner in which these were to be filled was not mentioned and this came to be mentioned in the letter relating to fee structure issued on 4.11.2011 by which time the prospectus dated 28.10.2011 had already been issued. However, in the prospectus issued for the Session 2012-13 on 25.6.2012, this

conditions was liable to be adopted and followed. Be that as it may, it is to be noticed that the students who sought admissions for the VLD Diploma Course were not in any manner at fault and they had applied on the basis of the prospectus issued by the International Institute. Even otherwise the impugned decision dated 16.1.2014 taken in the meeting under the Chairmanship of the Principal Secretary, Department of Animal Husbandry and Dairying as also the learned Single Judge have not taken the violation of this condition of 50% seats not being filled by intake of students of the State quota to be of much consequence and held the condition of minimum standards relating to maximum age and minimum educational qualifications to be the grounds for non-suiting the appellants who were to take their first year and second/final year examinations of the VLD Diploma Course. This is evident from the fact that the learned Single Judge in its impugned order dated 16.5.2015 has held as follows:--

"However, the students who fulfill the minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLDAD course in the College of Veterinary Sciences of the respondent No. 2-University are allowed to appear in the examinations and it is further directed to declare the result of those students who had already appeared in the examinations, subject to fulfilling the aforesaid minimum standards of educational qualification and age criteria set out by the respondent No. 2-University."

42. In the circumstances, the condition of 50% of the total seats to be filled up from the State quota is not a ground for non-suiting the appellants for appearing in the examinations. Therefore, the fact that the International Institute did not adhere to the norm of 50% of the total intake of students for the VLD Diploma Course seats to be from the State quota is not of any consequence.

43. In the letter of the Director General, Animal Husbandry and Dairying, Haryana Panchkula dated 4.4.2011 regarding issue of NOC for establishing Veterinary College in private institution it was not recorded that the minimum standards relating to maximum age and minimum educational qualifications as maintained in the VLD Diploma Course in College of Veterinary Sciences, Lala Lajpat Rai University shall be maintained by the private institution also. The prospectus that was issued by the International Institute on 28.10.2011 for the session 2011-12 laid down the following prerequisites for the VLD Diploma Course:--

"1. He should have passed 10+2 in any stream from recognized Board/University with 50% marks in aggregate (40% for SC/BC only).

2. Age as on 31.12.2011 should not be less than 17 years."

44. In the prospectus issued for the Session 2012-13 on 25.6.2012 the following pre-requisites for VLD Diploma Course were provided:--

"1. He should have passed 10+2 in any stream from recognized Board/University with 50% marks in aggregate (40% for SC only).

2. Age as on 31.12.2012 should not be less than 17 years."

45. It is to be noticed that in the Session 2011-12 for admission to the VLD Diploma Course, the minimum of 40% marks in 10+2 examination was provided for the members of the scheduled castes/backward classes; however, for the Session 2012-13 the minimum of 40% marks in 10+2 examination was provided only for members of the scheduled castes and not for backward classes. The other conditions of the College of Veterinary Sciences, Lala Lajpat Rai University for the VLD Diploma Course was 50% marks (40% for SC candidates only) in 10+2 is the same for the International Institute as well inasmuch as it is provided that the candidate should be 10+2 in any stream from recognized Board/University with 50% marks in aggregate (40% for SC/BC candidates for the Session 2011-12). However, for the VLD Diploma Course in the College of Veterinary Sciences, Lala Lajpat Rai University the marks in matriculation were required to be 65% or more (55% for SC candidates only), which was not provided for by the International Institute in its prospectus.

46. It may also be noticed that in the letter dated 3.10.2013 written by the Dean, College of Veterinary Sciences, Lala Lajpat Rai University to the Principal Secretary cum Financial Commissioner, Animal Husbandry and Dairying Department, Haryana, it has been inter alia been mentioned that some of the students were having less than 55% marks in the 10+2 examination, which was contrary to what was given in the University prospectus. In fact in the University prospectus, the candidates seeking admission to the VLD Diploma Course to the College of Veterinary Sciences, Lala Lajpat Rai University were required to have 50% and not 55% marks in the 10+2 examination. Besides, the said letter dated 3.10.2013 in fact mentions that the College i.e. the International Institute now had optimum infrastructural facilities for the VLD Diploma Course but the aspect needed to be deliberated/considered.

47. According to Sh. Rajbir Sherawat, Advocate, learned counsel for the appellants and other learned counsel appearing for the appellants in the connected appeals, all the appellants, except for Manoop appellant No. 1 in LPA No. 1591 of 2015 who is from the backward class-A category, have more than 50% marks in 10+2; however, they may not be having more than 65% marks in the matriculation examination. In the case of Manoop even it is submitted that he would be eligible as according to the prospectus issued by the International Institute for the Session 2011-12 for which he was given admission, the marks required for members of the scheduled caste/backward class category was 40% in 10+2, while he had 46% marks in 10+2 examination. According to the conditions in the prospectus of the College of Veterinary Sciences, Lala Lajpat Rai University, the 10+2 marks was 40% for members of the scheduled castes candidates and not for backward classes.

48. The requirement of 65% marks in the matriculation was not provided for in the prospectus issued by the International Institute. Besides, it is admitted case of the parties that the said requirement of having 65% marks in matriculation

examination has been dispensed with by the College of Veterinary Sciences, Lala Lajpat Rai University itself in respect of admission to the subsequent years. In the prospectus for 2014-15 for admission to the Diploma Courses of; (1) Veterinary and Livestock Development Diploma (VLDD), (2) Diploma in Veterinary Laboratory Technology (DVLT) and (3) Diploma in Dairy Technology (DIDT) being conducted by the Lala Lajpat Rai University, the minimum educational qualifications have been mentioned as follows:--

"2.10 Minimum education qualifications for admission to VLDD, DVLT and DIDT Courses through Entrance test:

VLDD: 10+2 in any stream i.e. Arts, Science, Commerce etc. from recognized Board/University. Candidates should have 50 % Marks (40% for SC candidates) in 10+2 Class. DVLT/DIDT: 10+2 with Physics, Chemistry & Biology from the recognized Board/University. Candidates should have 50% marks (40% for SC candidates)."

49. The condition of 65% marks in matriculation for admission to VLD Diploma Course has indeed been dispensed with in the subsequent years. As regards Manoop appellant No. 1 in LPA No. 1591 of 2015, he fulfilled the conditions that were laid down in the prospectus for the Session 2011-12 for which he was given admission inasmuch as he had 46% marks in the 10+2 examination and is a member of the backward class-A category. The eligibility for admission to the VLD Diploma course in the International Institute in the Session 2011-12 for the scheduled castes/backward classes according to the prospectus was 40% in 10+2.

50. The prospectus or information brochure which has been issued in relation to admissions to a course has the force of law and admissions are to be conducted in strict compliance with the same. The candidates applying for admission determined their rights on the basis of the information as given in the prospectus or information brochure. Instructions contrary to the conditions provided in the prospectus are normally not to be issued.

51. In *Parmender Kumar and Others Vs. State of Haryana and Others*, , it was held that if Government orders were already in force when the prospectus was published, they would have a bearing on the admission process, but once the results had been declared and a select list had been prepared, it was not open to the State Government to alter the terms and conditions just a day before the counseling was to begin, so as to deny the candidates who had already been selected an opportunity of admission; besides, the appellants had shown their competence by being selected on the basis of their results in the written examination.

52. In the present case, the appellants appeared for the entrance test for the VLD Diploma Course for admission to the International Institute for the Sessions 2011-12 and 2012-13 conducted by the said Institute itself on the basis of the prospectus that was issued. Thereafter, the students of the Session 2011-12

appeared for the first year examination which was conducted by the International Institute. In consequence of the note appended to the norms, procedure and guidelines for affiliation of Institutions offering/desirous of starting VLD Diploma Course in the State of Haryana issued by the Lala Lajpat Rai University on 15.4.2013 it was provided that while the internal assessment awarded to students by an Institution applying for an affiliation may be recognized for successful completion of the Course by the students, all students of such affiliated institutions shall have to appear and clear the annual examinations of first year and second year conducted by the Lala Lajpat Rai University so as to complete the Diploma Course successfully, the appellants of the 2011-12 Session appeared for the first year examination that was conducted by the Lala Lajpat Rai University. The University issued them Roll numbers and it did not raise any objection that the appellants were ineligible for admissions on the grounds that they did not have the minimum 65% marks in their matriculation examination.

53. In *Shri Krishnan Vs. The Kurukshetra University, Kurukshetra*, , a three Judges Bench of the Supreme Court held that once the candidate is allowed to take the examination, rightly or wrongly, then the statute which empowers the University to withdraw the candidature of the applicant has worked itself out and the candidate cannot be refused admission subsequently for any infirmity which should have been looked into before giving the candidate permission to appear.

54. In *Sanatan Gauda Vs. Berhampur University and others*, , the candidate secured his admission in the Law College. He had submitted his mark-sheet along with application for admission. The law College admitted him and he pursued his studies for two years. The University also granted him admission card for the Pre-Law and Intermediate Law examinations. He was permitted to appear in the said examination and was also admitted to the final year of the course. It was only at the stage of declaration of his results of the Pre-Law and Inter-Law examinations that the University raised the objections to his so called ineligibility to be admitted to the Law course. It was held that the University was clearly estopped from refusing to declare the results of the appellant's examination or for preventing him from pursuing his final year course. The plea that the Principal wrongly assured the University authorities that he had verified the position and all the candidates were eligible was held to be not tenable. It was observed that the Principal could not be condemned for recommending the candidature of the appellant for the examination in question. It was the bounden duty of the University, who has scrutinized the matter thoroughly before permitting the appellant to appear at the examination and not having done so it could not refused to publish his results.

55. In *Guru Nanak Dev University Vs. Sanjay Kumar Katwal and Another*, , the respondent in the said case was admitted to three years LLB course through a Common Entrance Test and was permitted to take first semester examination. He was not guilty of any suppression or misrepresentation of facts. There was some confusion with the appellant University as to whether the degree possessed by

the respondent was recognized by appellant or not. The respondent was informed that he was not eligible only after he took the first semester examination. He was, however, allowed to continue and complete the Course. He had succeeded before this Court and it was held that now after a lapse of four years, he could not be declared to be disentitled to admission.

56. Therefore, when the appellants appeared for the first year examination of the VLD Diploma Course conducted by the College of Veterinary Sciences of Lala Lajpat Rai University, it was the bounden duty of the University as held in Sanatan Gauda's case (supra) to scrutinize the eligibility criteria thoroughly before permitting them to appear at the examination and not having done so it is estopped from now saying that they were ineligible. Manoop appellant No. 1 in LPA No. 1591 of 2015, had the necessary requirement as per the 2011-12 prospectus would also be eligible.

57. In Chowdhury Navin Hemabhai and others v. State of Gujarat and others, 2011 (2) SCT 324 (SC), the appellants had secured 40% marks in the qualifying examination in Physics, Chemistry and Biology as prescribed in the notification issued under Section 12 of the State Rules, 2008. The appellants also appeared in the Common Entrance Test conducted for Gujarat for 2008-2009, but secured less than 40% marks in Physics, Chemistry and Biology in the Common Entrance Test. As they were placed in the merit list in the Common Entrance Test, they were admitted to MBBS Course in Pramukhswami Medical College, Karamsad. After collecting information from the said college, the Medical Council of India sent a communication dated 10.2.2009 to the college to discharge the seven appellants and one more student as they had secured less than 40% marks in physics, chemistry and biology in the common entrance test and were not eligible for admission in the MBBS Course as per MCI guidelines. The admission Committee of the State Government cancelled the admissions of the appellants on the insistence of the MCI. The Hon'ble Supreme observed as follows:--

"In the facts of the present case, we have found that the appellants were not to be blamed for having secured admission in the MBBS course and the fault was entirely of the rule-making authority in making the 2008 Rules and the appellants have gone through the pains of appearing in the common entrance test and have been selected on the basis of their merit and admitted into the MBBS course in the college in accordance with the State Rules, 2008 and have pursued their studies for a year. Hence, even though under the MCI Regulations the appellants were not eligible for admission to the MBBS course in the academic year 2008-2009, for the purpose of doing complete justice in the matter before us, we direct that the admissions of the appellants to the MBBS course in the college during the academic year 2008-2009 will not be disturbed. This direction shall not, however, be treated as a precedent."

58. In the case of Mahatma Gandhi University and another v. GIS Jose and others (supra) referred to by the learned Single Judge, the respondent in the said case lacked the basic qualification for admission to the course in accordance

with the University regulation. The respondent Gis Jose was admitted to the M.Sc. Computer Science course and she secured 53.3 % marks in her qualifying examination against the minimum requirement of cut off marks, which had been fixed by the University as 55 %. In total derogation of the said fact, the student was admitted. It was pointed out that the students' application for first and second semester examination held in April and July, 2004 respectively were already rejected on the ground that the student had secured only 53% marks and her admission was in violation of the admission Rules framed by the University and still the Principal had allowed the student to continue in M.Sc. computer science to complete the course and write her examination. It was in the said circumstances that due to lack of basic qualification for securing admission that the student in the said case was non-suited.

59. In the present case, the appellants, except for Manoop appellant No. 1 in LPA No. 1591 of 2015, have the minimum basic qualifications i.e. 50% marks in 10+2 in any stream from recognized Board/University, which is also the qualification prescribed by the College of Veterinary Sciences of Lala Lajpat Rai University. Manoop, as already noticed, is a member of the backward class-A category and he had 46% marks, which was more than 40% marks in 10+2 examination provided in the prospectus for the scheduled castes/backward classes" category. However, they may not be having the minimum of 65% marks in the matriculation examination, which as already noticed, has also been dispensed with by the College of Veterinary Sciences of Lala Lajpat Rai University for the VLD Diploma Course in the subsequent years in its prospectus issued for the Session 2014-15. Therefore, if the candidates with less than 65% marks in matriculation are eligible for admission for the VLD Diploma Course in the subsequent years, we see no reason why they should not be held to be so eligible for the years in question i.e. Sessions 2011-12 and 2012-13.

60. The appellants who have appeared in the first year and second year respectively for the VLD Diploma Course, therefore, are entitled for declaration of their first year and second/final year results of the VLD Diploma Course respectively on the basis of their admissions based on the eligibility conditions as provided for in the prospectus issued by the International Institute on 28.10.2011 for the Session 2011-12 and the prospectus issued on 25.6.2012 for the subsequent Session of 2012-13. The Lala Lajpat Rai University before declaring the results of the appellants, shall ascertain and verify that there is no such candidate who does not fulfill the conditions as provided for in the prospectus issued by the International Institute for the Sessions 2011-12 and 2012-13 and in case there is some appellant then his result is not liable to be declared. The exercise of compiling the result shall be carried out and the result declared by the Lala Lajpat Rai University as it was held up because of the writ petition of the appellants being dismissed.

61. Learned counsel for the appellants have submitted that copy of the short order allowing the appeals may be given to them as they are to apply for the

posts of Veterinary and Livestock Development Assistant, which has been advertised and the last date for applying for the same is approaching.

62. For the foregoing reasons, the LPAs are allowed. The order of the learned Single Judge dated 16.5.2015 is set aside.

63. All the appellants, who fulfilled the norms for admissions to the Veterinary and Livestock Development Diploma Course (VLD Diploma Course), that is, they had 50% in their 10+2 examinations and 40% for members of the scheduled castes/backward classes category for the Session 2011-12, shall be entitled for declaration of their results and the students of the second year of VLD Diploma Course if they pass the examinations, would be entitled to apply for the post of Veterinary and Livestock Development Assistant, which has since been advertised and the last date is approaching. Besides, the students of the first year of the VLD Diploma Course of the Session 2012-13 if they pass the first year examinations, shall be entitled to admission to the second/final year of the said Course and appear in the examination for the second year subject to the fulfillment of other conditions of lectures etc.

64. Since the declaration of result after verification of their eligibility may take time, the candidates who have appeared in the second year examination shall be entitled to apply for the advertised posts, however, their consideration for appointment to the post shall be subject to their passing VLD Diploma Course. There shall be no order as to costs.