

APOLLO COLLEGE OF VETERINARY MEDICINE
v.
RAJASTHAN STATE VETERINARY COUNCIL & ORS.
(Civil Appeal No. 6842 of 2014)

JULY 25, 2014.

[R.M. LODHA C.JI. AND
SUDHANSU JYOTI MUKHOPADHAYA, JJ.]

VETERINARY COUNCIL OF INDIA ACT, 1984:

Object of the Act – Discussed.

Recognition of veterinary college – Held: It is mandatory for a 'Veterinary college' imparting teaching of B.V.Sc. & A.H. Course to get recognized by the Central Government under First Schedule to the Act.

Recognition of veterinary college – Appellant-colleges offering the course of B.V.Sc and A.H. – B.V.Sc and A.H. examination conducted by the University recognized by Veterinary Council of India and Central government – Refusal to grant recognition to the colleges and also the degrees granted to the students passed out from the said colleges – High Court held that since B.V.Sc. & A.H. degree possessed by the students was not one obtained from a recognized College it could not be treated as a valid qualification for the purpose of registration under the Veterinary Council of India (Registration) Regulations, 1992 and for other purpose – Held: In the facts and circumstances of the case, the High Court should have given a possible legal solution in respect to the students who have already passed out from the appellant-Colleges affiliated to Recognised University by directing the Central Government to make appropriate amendment in the First Schedule of the Indian Veterinary Council Act, 1984 so as to include these Colleges in the First

- A *Schedule for the purpose of recognition of B.V.Sc. & A.H. degree on or before dates specified – In case of other students admitted and pursuing their studies, the Central Government is directed to call for a fresh report from the Veterinary Council of India and to pass appropriate order u/*
- B *s.15(2) r/w s.21 (4) of the Act – In case it is not possible to recognize the College beyond such date as ordered, the Veterinary Council of India is directed to take steps to transfer the students to some other recognized Colleges against their corresponding year to complete the B.V.Sc. & A.H. course.*

C **Allowing the appeals, the Court**

HELD: 1. The Veterinary Council Act, 1984 was enacted with the object to control and regulate veterinary practice and to provide for the establishment of a

D **Veterinary Council of India and State Veterinary Councils and for the maintenance of registers of veterinary practitioners. [para 27] [950-E]**

E **2. A conjoint reading of Sections 2(e), 2(j) and Section 15 of the Act makes it clear that recognition of veterinary qualifications is mandatory, in case degrees, diplomas or licences in B.V.Sc. & A.H. is granted by Veterinary Institution (University) in India, whether by itself directly or through a recognized Veterinary College. Only those**

F **colleges imparting veterinary education for the award of B.V.Sc. & A.H. degree having the required number of departments/units, infrastructure, manpower and other facilities as per Regulation, 2008 affiliated to a Veterinary Institution (University) and recognized by Veterinary**

G **Council of India are said to be recognized Veterinary College. Section 15 read with sub Section (4) of Section 21 empowers the Central Government to make an entry in the appropriate Schedule (First Schedule) declaring that veterinary qualification granted to students of a**

H **specified College or Institution affiliated to any Veterinary**

Institution (University) shall be a recognized veterinary qualification only when granted before a specified date or that the said veterinary qualification shall be recognized veterinary qualification in relation to the said College or Institution affiliated to the University only when granted after a specified date. On a meaningful reading of the Statement of object and preamble of the Veterinary Council Act together with Sections 2(e), 2(j), Sections 15, 19 and 21 and on a purposive construction of Regulation 2(n) of the Regulation 2008 read with Regulation 2(c) of the Regulations, 1992, it is clear that only "Veterinary College" imparting teaching in veterinary science and animal husbandry through which a degree is conferred by a University and is recognized by the Veterinary Council of India and shown in the First Schedule is eligible to impart teaching of B.V.Sc. & A.H. Course. Therefore, it is mandatory for a "Veterinary College" imparting teaching of B.V.Sc. & A.H. Course to get recognized by the Central Government under First Schedule to the Veterinary Council Act, 1984. [paras 33, 34, 37 to 39, 43] [952-D; 953-C; 956-D-H; 957-A-D; 961-A]

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4. In the instant case, both the appellant-colleges were permitted to be opened by the State of Rajasthan and were affiliated with the University recognized by the Veterinary Council of India. The Inspection Committee of Veterinary Council of India inspected the colleges from time to time and recommended for admission of students subject to removal of certain deficiency. Though the public notice was issued by Veterinary Council of India informing that the B.V. Sc. & A.H. qualification of the students of the College was not a recognized Veterinary qualification, the Veterinary Council of India granted no objection to admit students. The students were admitted pursuant to open entrance test. They completed their course and successfully cleared B.V.Sc. & A.H. examination. The students who already passed out were

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A the holders of the basic degree of B.V.Sc. & A.H. granted by the Rajasthan Agricultural University, which is recognized qualification entered in the First Schedule of the Indian Veterinary Council Act, 1984. Many of such students who have already passed out are in

B Government service or in private service. The degree of B.V.Sc. & A.H. granted by the university is included in the First Schedule to the Indian Veterinary Council Act, 1984 as a degree fully recognized by the Veterinary Council of India which is the paramount professional body set up

C by statute with authority to recognize the medical veterinary qualifications granted by any University. The High Court was manifestly in error in holding that since B.V.Sc. & A.H. degree possessed by the students was not one obtained from a recognized College it could not

D be treated as a valid qualification for the purpose of registration under the Veterinary Council of India (Registration) Regulations, 1992 and for other purpose. In the facts and circumstances of the case, the High Court should have given a possible legal solution in

E respect to the students who have already passed out from the appellant-Colleges affiliated to Swami Keshwanand Rajasthan Agricultural University by directing the Central Government to make appropriate amendment in the First Schedule of the Act so as to

F include these Colleges in the First Schedule for the purpose of recognition of B.V.Sc. & A.H. degree on or before dates specified. So far as the other students who have been admitted and are pursuing their studies are concerned the Central Government is directed to call for

G a fresh report from the Veterinary Council of India and to pass appropriate order u/ Section 15(2) r/w Section 21 (4) of the Act. [paras 44, 45, 46, 49] [961-B-E; 962-C-H; 963-A-B, G-H; 964-A-C]

H CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6842 of 2014.

From the Judgment & Order dated 17.11.2011 in DBCW No. 2635 of 2011 of the High Court of Rajasthan Bench, Jodhpur Bench at Jaipur. A

WITH

C.A. Nos. 6851, 6852, 6850, 6853, 6854, 6857, 6844-45, 6846-49, 6855 and 6856 of 2014. B

Paras Kuhad, ASG., K.V. Vishwanathan, R.F. Nariman, Indu Malhotra, Dr. Rajeev Dhawan, Harin P. Raval, Dr. Manish Singhvi, AAG., Kush Chaturvedi, Vivek Jain (Mahalakshmi Balaji & Co.), Namrata Sood, Nishta Kumar, Vikas Mehta, Ajay Sharma, Rajeev Sharma, Neelam Sharma, Gagan Gupta, Ram Niwas Nikilesh Ramachandran, Bharat Bhushan, Madhu Moolchandani, Jitin Chaturvedi, Aman Ahluwalia, R. Nadumaran, Baldev Attreya, Richa Pandey (for D.S. Mahra), Ashish Garg, Aftab Ali Khan, Navin Prakash, Tungesh, Kamini Jaiswal, Rohit Kumar Singh, Sumeet Sharma, Ruchi Kohli, Irhad Ahmad, Sushil Kumar Jain, Puneet Jain, Shristi Jain, Suryanarayana Singh (for Pragati Neekhra) for the appearing parties. C D E

The Judgment of the Court was delivered by

SUDHANSU JYOTI MUKHOPADHAYA, J. 1. Leave granted. F

2. As all these appeals involve the same issue relating to the recognition of Veterinary College(s) under Veterinary Council of India Act, 1984; they were heard together and are disposed of by this common judgment. G

3. Apollo College of Veterinary Medicine, Jaipur (for short "Apollo College") and Mahatama Gandhi College, Bharatpur (for short "Mahatama Gandhi College") are two private colleges in Rajasthan offering the course of Bachelor of Veterinary Science and Animal Husbandry (hereinafter referred to as "B.V.Sc. & A.H"). A number of students of the said colleges H

A have passed the B.V.Sc. & A.H examination conducted by the
 Rajasthan Agricultural University (now known as Swami
 Keshwanand Rajasthan Agricultural University, Bikaner),
 recognized by Veterinary Council of India and Central
 Government. Students who have passed such examination from
 B the aforesaid two Colleges have enrolled with Rajasthan State
 Veterinary Council are now practicing Doctors in State and
 private sectors. There are also number of students who are
 pursuing their studies in the said colleges.

C 4. The aforesaid two Colleges were permitted to be
 opened by the State of Rajasthan subject to the grant of
 affiliation recognition by the Veterinary Council of India. The
 B.V.Sc. & A.H courses offered by the said colleges were
 affiliated to Rajasthan Agricultural University (hereinafter
 referred to as the, "Agricultural University). After a number of
 D inspections made from time to time, the Veterinary Council of
 India recommended the Central Government to recognize the
 aforesaid two Colleges and the degrees granted to the students
 who have passed out from those Colleges. Later, by an order
 dated 20th February, 2010, Government of India intimated that
 E "it has not been found possible to grant recognition to the
 degrees awarded by the Apollo College of Veterinary
 Medicine, Jaipur." The Veterinary Council of India by letter dated
 22nd February, 2010 intimated the Registrar about the decision
 of Central Government. The Rajasthan State Veterinary Council
 F was also asked to delete the names of the Doctors from their
 Register. The aforesaid orders refusing to grant recognition to
 the Apollo College and degrees granted to the students passed
 out from the said College were challenged by a number of
 alumni of the said College who are practicing Doctors who
 G passed out from the said College and also by the students
 pursuing their studies in Apollo College.

H 5. Similar orders were made refusing to recognize the
 Mahatma Gandhi College as well. The students of the said
 College including the alumni moved before the High Court for
 direction to the Union of India to issue appropriate notification

thereby including the name of the Mahatama Gandhi College in the First Schedule of the Veterinary Council of India Act. During the pendency of the writ petition the Veterinary Council of India by letter dated 8th December, 2011, inter alia, decided not to consider B.V.Sc. & A.H. course in respect of Mahatama Gandhi college for recognition and intimated the same to the concerned authorities. The said letter was also challenged before the High Court in the pending writ petition.

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6. The writ petitions filed by the alumni and the students of the Apollo College were heard together and the Division Bench of the Rajasthan High Court, Jaipur Bench, Jaipur by a common judgment dated 17th November, 2011 dismissed the writ petitions and upheld the orders, letters and notifications issued by the Veterinary Council of India/Union of India refusing to grant recognition to the Apollo College and the degrees granted to the students passed out from said College. Following the aforesaid decision, learned Single Judge of the Rajasthan High Court, Jaipur Bench, Jaipur by the judgment dated 23rd December, 2011 dismissed the writ petition preferred by the students who have passed out from the Mahatama Gandhi College.

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7. Before deciding the aforesaid question, it is necessary to notice in detail the relevant factual matrix of the case concerning the Apollo College and the Mahatama Gandhi College:

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8. Apollo College

The Government of Rajasthan on 10th, August, 1998, granted No Objection Certificate (NOC) to the Apollo College of Veterinary Medicine to offer a course in Bachelor of Veterinary Science and Animal Husbandry (B.V. Sc. & A.H. Course) with a capacity of 50 seats subject to grant of permission by the Union of India/Veterinary Council of India; Rajasthan Agricultural University granted affiliation to the Apollo College on 6th November, 2000 for teaching 1st year B.V. Sc.

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A & A.H. Course and later the affiliation was extended for a period of two years for the subsequent academic years.

B 9. The Inspection Committee of Veterinary Council of India inspected the Apollo College from time to time. By inspection report, 2003, the Committee reported that the facilities at the College and staff seems to be adequate except for certain deficiency of building, as the College was opened in a rented building. The Central Government by letter dated 26th September, 2003 informed the Agricultural University to request the Apollo College to fulfill the minimum requirements. On 13th C August, 2004, Veterinary Council of India informed the Agricultural University that as per record available with the Council, the Apollo College was not a constituent college of Agricultural University for the purpose of awarding recognized veterinary qualifications. The Veterinary Council of India by its D letter dated 2nd February, 2005, informed the Government of Rajasthan and the Agricultural University to stop admissions in the Apollo College as it has not been included in the First Schedule of Indian Veterinary Council Act for the purpose of such recognition. Public notices were also issued by Veterinary E Council of India on 12th May, 2005 and 20th May, 2005 in Jaipur editions of the Indian Express and Rajasthan Patrika informing that the BV Sc & AH qualification of the students of the Apollo College was not a recognized Veterinary qualification.

F 10. Thereafter, on 21st November, 2005, Veterinary Council of India granted no objection to admit students in the Apollo College subject to extension of affiliation granted by the Agricultural University. Pursuant to NOC granted by Veterinary Council of India, the Agricultural University by letter dated 26th G November, 2005 granted permission to Apollo College to admit students.

H 11. According to the appellants, they competed in the Rajasthan pre-medical/Rajasthan pre-Veterinary (RPM/RPV) open entrance test and were allotted to the Apollo College B.V.Sc. & A.H. Course. Apollo College was subsequently

inspected by Veterinary Council of India Inspectors on 22nd-24th January, 2007 who submitted report stating that the Apollo College was following Veterinary Council of India norms regarding infrastructure etc. and that there was a need to strengthen manpower and equipments as well as TVCC, livestock farm and experimental animal facilities. However, a public notice was issued by Veterinary Council of India on 10th April, 2007 informing the public in general that the Apollo College has published misleading and incorrect information that the College has been granted recognition by the Veterinary Council of India and, therefore, public in general was informed that the matter of recognition of the qualification in respect of the College shall be considered by the Veterinary Council of India in due course only on fulfillment of requirement and the Council does not recognize B.V.Sc. & A.H. qualification of the said College.

12. Another team of Veterinary Council of India inspect the Apollo College on 22nd -23rd November, 2007 and reported that in view of the deficiencies mentioned therein, the qualification of the University in respect of the College should not be considered for recognition at that point of time. However, when representatives of Agricultural University and the Veterinary Council of India held meeting, by its proceedings dated 2nd February, 2008, they recorded that the University was convinced that the minimum academic/attendance requirements as per Veterinary Council of India Regulations have been met in respect of the 1st batch of students of the Apollo College and thereafter, Veterinary Council of India granted provisional recognition of B.V.Sc.& A.H. degree on 10th March, 2008 in respect of 1st batch of students of the Apollo College who completed the 5 year course. On 27th February, 2009, the Veterinary Council of India informed the Agricultural University that it has requested the Central Government to take necessary action to recognize the qualification of the 2nd batch of students of Apollo College admitted in the year 2004. It was followed by a letter dated 24th July, 2009 whereby Veterinary Council of India intimated the Agricultural University that the

A Veterinary Council of India has decided to recommend to the Union of India for recognition of qualification of students admitted in the month of December, 2004 i.e. 3rd batch of students. On 24th July, 2009, Veterinary Council of India also informed the Agricultural University that the Apollo College
 B could admit students for the Academic Session 2009-2010. In the meantime, the Agricultural University by its letter dated 3rd September, 2009 granted affiliation to the Apollo College for the Sessions 2007-2008 and 2008-2009. Subsequently, the
 C Expert Committee appointed by Veterinary Council of India (Balaraman Committee) recommended on 16th November, 2009 that 55 faculty members are sufficient in B.V. Sc. & A.H. Course. On 20th February, 2010 the Central Government through Ministry of Animal Husbandry, Dairying & Fisheries by the impugned order refused to grant recognition to degrees
 D awarded by the Apollo College.

13. The Veterinary Council of India in its turn referring to the order dated 20th February, 2010 issued by the Central Government directed the Registrar, Rajasthan Agricultural University by order dated 22nd February, 2010 not to admit
 E students in the B.V. Sc. & A.H. degree course in the Apollo College henceforth. Thereafter the Central Government vide letter dated 22nd March, 2010 issued amendment to their earlier order as below.

F	No.	For	Read
G	1.	It has not been found possible to grant recognition to the degree awarded by the Apollo College of Veterinary Medicine, Jaipur.	It has not been found possible to grant recognition to the degree awarded to the students passing out from the Apollo College of Veterinary Medicine, Jaipur.

H 14. The aforesaid amendment was brought to the notice

of the Registrar, Swami Keshwanand Rajasthan Agricultural University, Bikaner by Veterinary Council of India by letter dated 20th April, 2010. It was followed by notification issued by the Central Government on 29th April, 2010 whereby in exercise of the powers conferred by sub-section (2) of Section 15 of the Indian Veterinary Council Act, 1984, the Central Government amended the First Schedule of the said Act in the following manner:

“In the First Schedule to the said Act, under sub-heading “Degrees”,-

(i) against serial number 33, relating to Rajasthan Agricultural University, in column 3, under the letters “B.V. Sc. & A.H.”, the following words, figures and letters shall be added, namely:-

“This qualification shall be a recognized veterinary qualification as aforesaid only when granted on or before 10.9.2009.”

(ii) after serial number 73 and the entries relating thereto, the following serial number and entries shall be added, namely:-

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74. Swami Keshwanand Rajasthan Agricultural University, Bikaner in respect of <u>College of Veterinary and Animal Science, Bikaner</u>	Bachelor of Veterinary Science and Animal Husbandry	<u>B.V.Sc. & A.H.</u> <u>(This qualification shall be a recognized veterinary qualification as aforesaid only when granted on or after 11.9.2009.</u>

A The developments as taken place after issuance of impugned orders and notifications:

15. On 13th May, 2010 the Rajasthan University of Veterinary and Animal Sciences came into existence by carving out the units of Veterinary and Animal Sciences sector from the Swami Keshwanand Rajasthan Agricultural University, Bikaner and Maharana Pratap University of Agriculture & Technology, Udaipur. Registrar, Rajasthan University of Veterinary and Animal Sciences, Bikaner by letter dated 19th August, 2010 referring to the admissions of students in Apollo College intimated the Secretary, Ministry of Animal Husbandry, Dairying & Fisheries, Government of India, New Delhi that the University conducted the physical inspection of the Apollo College on 27th July, 2010 and on the basis of inspection, the University has granted the affiliation for the year 2010-2011 and post facto affiliation for the session 2009-2010. It was further intimated that the report of inspection team has revealed that the facilities at Apollo College are adequate as per the Veterinary Council of India norms for training of students and requested the authorities to review the earlier order dated 20th February, 2010 and to include the appellant in the Schedule-1 of the Indian Veterinary Council Act, 1984.

16. A team under the leadership of Mr. N.K. Bhattacharya of Veterinary Council of India re-inspected the Apollo College between 22nd November, 2010 and 24th November, 2010. The Bhattacharya Committee by its Report intimated that overall facilities in all disciplines were found satisfactory, for theoretical and practical teachings of the B.V.Sc. & A.H. degree course and were adequate to maintain minimum standards for imparting the said course as per the VCI Regulations, 2008.

17. By letter dated 31st January, 2011 the Central Government informed the Rajasthan University of Veterinary and Animal Sciences that the Apollo College had been inspected by Veterinary Council of India team during 22nd to 24th November, 2010 and the recommendation from Veterinary

Council of India was awaited. The Veterinary Council of India was requested by the Central Government on 24th March, 2011 to send its recommendation in the light inspection carried out between 22nd and 24th November, 2010. The Veterinary Council of India by letter dated 29th March, 2011 intimated the Rajasthan State Veterinary Council that it had recommended the Central Government for recognition of degrees awarded by the State University to students of Apollo College but the notification was not yet issued by the Central Government. On 30th March, 2011 Executive Committee of the Veterinary Council of India decided to recommend the Apollo College to the Central Government for recognition of qualifications of first three batches admitted upto the academic year 2009. The Central Government by letter dated 6th July, 2011 requested the Veterinary Council of India to review the case of recognition of the Apollo College in the light of deficiencies pointed out by the Inspection team. The Executive Committee of Veterinary Council of India considered the proposal for recognition of the qualification in respect of the Apollo College by letter dated 11th July, 2011 and recommended the Central Government for recognition of the qualification.

18. MAHATAMA GANDHI COLLEGE

On 24th May, 2005, the Government of Rajasthan, Animal Husbandry Department had granted NOC to Smt. Urmila Devi Mangaiya Paropkari Trust, to open the Veterinary College. On 28.06.2005, Rajasthan Agricultural University, Bikaner conditionally affiliated the College and allowed to open admission on receipt of permission from the VCI/Government of India. The Veterinary Council of India issued NOC to open Veterinary College on 9th November, 2005.

19. On 26th November, 2005, Rajasthan Agricultural University, Bikaner issued notification to allow admission to the College. In the meantime, affiliation was extended by University from time to time. The State Veterinary Council informed Government of India on 12th October, 2010 about recognition

A of BV Sc & AH qualification imparted by Mahatma Gandhi Veterinary College, Bharatpur affiliated to Rajasthan University of Veterinary and Animal Sciences, Bikaner as per Section 15 (2) of the Veterinary Council of India Act.

B 20. A reminder was issued on 26th October, 2010 to the Government of India. On 4th February, 2011, the Secretary, Veterinary Council of India recommended for recognition of BV Sc & AH Course offered by Mahatma Gandhi Veterinary College, Bharatpur and it was informed that Veterinary Council of India recognized the College. The Secretary, Veterinary Council of India on 29th March, 2011 informed the Registrar, Rajasthan State Veterinary Council that though the Council had recommended the Central Government for recognition of the qualification in respect of Mahatma Gandhi Veterinary College, Bharatpur, and the notification including the qualifications in respect of two Colleges i.e. Apollo College of Veterinary Medicine, Jaipur and Mahatma Gandhi Veterinary College, Bharatpur in the First Schedule was yet to be issued by the Central Government.

E 21. In April, 2011 the Rajasthan Government put the proposal in the Legislative Assembly to notify the name of Mahatma Gandhi Veterinary College, Bharatpur as recognized College. On 28th April, 2011 the Secretary, Veterinary informed the Secretary, Department of Animal Husbandry, Dairying & Fisheries that Mahatma Gandhi Veterinary Council, Bharatpur has fulfilled the remaining deficiencies. Writ Petition No.4690/2011 was filed by some of the appellants before the Rajasthan High Court for direction to the respondents to issue permanent registration certificate and allow them to participate in the selection process for appointment on the post of Veterinary Officer in pursuance of the advertisement issued by the Rajasthan Public Service Commission. On 30th May, 2011 an interim order was passed by the High Court allowing them to appear in the written test for appointment in the State.

H 22. On 8th December, 2011, the Veterinary Council of

India issued letter deciding not to recommend B.V.Sc. & A.H. Course offered by of Mahatma Gandhi Veterinary College, Bharatpur for recognition as the College does not fulfill the minimum standard of Veterinary degree course. The High Court dismissed the Writ Petition No.4690 of 2011 23rd December, 2011 referring to the judgment of Division Bench dated 17th November, 2011 in the case of Apollo College.

23. The questions involved in these appeals are as follows:

- (i) *Whether it is mandatory for a 'Veterinary college' imparting teaching of B.V.Sc. & A.H. Course to get recognized by the Central Government under First Schedule to the Indian Veterinary Council Act, 1984; and*
- (ii) *What should be a possible legal solution in the case of students who have already passed out from the colleges in not clear question.*

24. Learned counsel for the appellants challenged the orders and notifications issued by Veterinary Council of India and Central Government as also the impugned judgment on following grounds:

- (i) The Central Government has no role to play in recognition of any Veterinary College or Institution in the State.
- (ii) Section 21 (4) of the Indian Veterinary Council Act, 1984 does not talk of de-recognition of medical degree or recognition of medical degree qua a College. Once degree granted by a University is recognized, there is no question of recognition of College.
- (iii) The Control of Central Government or Council is not same in all system. For example, the control of Medical Council of India on Medical Colleges is

A different from the control of Veterinary Council of India on Veterinary Colleges.

B 25. On the other hand, according to learned Solicitor General of India, Section 21 (4) of the Indian Veterinary Council Act, 1984 empowers the Central Government to recognize or de-recognize a degree awarded by a College. It is mandatory for a College imparting teaching of B.V.SC. & A.H. course to get recognized by the Central Government under First Schedule to the Indian Veterinary Council Act, 1984 the students passing out from such Colleges will not be allowed to register themselves with the State Veterinary Council.

C 26. For determination of the core issue involved in these appeals, it is desirable to refer the relevant provisions of the Indian Veterinary Council Act, 1984, rules and regulations framed there under and connected relevant facts:

D 27. The said Act was enacted with the object to control and regulate veterinary practice and to provide for the establishment of a Veterinary Council of India and State Veterinary Councils and for the maintenance of registers of veterinary practitioners.

E **RECOGNIZED VETERINARY QUALIFICATION & INSTITUTIONS**

F 28. Section 2(e) defines "recognized veterinary qualification" as follows:

"recognized veterinary qualifications" means any of the veterinary qualifications included in the First Schedule or the Second Schedule"

G 29. Whereas Section 2(j) defines "Veterinary Institutions" which reads as follows:

"veterinary institution" means any University or other institution within or without India which grants

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degrees, diplomas or licences in veterinary science and animal husbandry

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30. Rajasthan University of Veterinary and Animal Sciences, Bikaner grants degrees in veterinary science and animal husbandry and come within the meaning of Section 2(j)- "Veterinary Institutions".

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31. The Apollo College and Mahatma Gandhi College imparts teaching in veterinary science and animal husbandry. These two colleges do not grant any degree and, thereby, the Colleges aforesaid do not come within the meaning of Section 2(j)- "Veterinary Institutions".

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32. Section 15 of the Act deals with recognition of "veterinary qualifications" granted by veterinary institutions (Universities) in India which is quoted hereunder.

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

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

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A The aforesaid provision makes it clear that on and from the date of enactment of the Act, the veterinary qualifications granted by the Veterinary Institutions (Universities) in India included in the First Schedule are only the recognized veterinary qualifications for the purpose of the Act. For inclusion of any
 B other veterinary qualification, Veterinary Institution (University) in India is required to apply to the Central Government to have such qualification recognized under sub Section (2) of Section 15 of the Act. In such case in consultation with the Veterinary Council of India, the Central Government may by notification in
 C the Official Gazette amend the First Schedule so as to include such qualification therein.

33. A conjoint reading of Section 2(e), 2(j) and Section 15 makes it clear that recognition of veterinary qualifications is mandatory, in case of degrees, diplomas or licences in B.V.Sc. & A.H. is granted by Veterinary Institution (University) in India, whether by itself directly or through a recognized Veterinary College.

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 E 34. “Veterinary Collage” and “Recognized Veterinary College”

“Veterinary College” is defined in Section 2(n) of “The Veterinary Council of India-Minimum Standards of Veterinary Education-Degree Course (B.V.Sc. & A.H.) Regulations, 2008” (hereinafter referred to as Regulations 2008) and it reads as follows:

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 “(n) *“Veterinary College” means an institution imparting veterinary education for the award of B.V.Sc. & A.H. degree having the required number of departments/units, infrastructure, manpower and other facilities as laid down in these Regulations under the overall administrative control of the Dean/Principal.*”

H Section 2(c) of “The Veterinary Council of India (Registration) Regulations, 1992” (hereinafter referred to as Regulations,

1992) defines “recognized veterinary college” and it reads as follows: A

“Recognized Veterinary College” means a Veterinary College affiliated to a University and recognized by Veterinary Council of India.” B

Thus, only those colleges imparting veterinary education for the award of B.V.Sc. & A.H. degree having the required number of departments/units, infrastructure, manpower and other facilities as per Regulation, 2008 affiliated to a Veterinary Institution (University) and recognized by Veterinary Council of India are said to be recognized Veterinary College. . C

35. INSPECTION OF UNIVERSITY, COLLEGE/ INSTITUTION

Section 19 of the Act reads as follows: D

“19. Inspection of veterinary institutions and examinations.-(1) A Committee constituted under Section 12 may, subject to regulations, if any, made by the Council, appoint such number of veterinary inspectors as it may deem requisite to inspect any veterinary institution or any college or other institution where veterinary education is given or to attend any examination held by any veterinary institution for the purpose of recommending to the Central Government recognition of veterinary qualification granted by that veterinary institution. E F

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

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

B From sub Section (1) of Section 19 of the Act, it is clear that a Committee constituted by the Council under Section 12 can appoint veterinary inspectors to inspect not only veterinary institution (University) but also college and other institutions where veterinary education is imparted for the purpose of recommending to the Central Government recognition of veterinary qualification granted by that Veterinary Institution (University). Therefore, the College and Institution through which B.V.Sc & A.H. degree is imparted also come under the purview of the Act for the purpose of recognition of veterinary qualification granted by the Veterinary Institution (University).

D 36. Section 21 of the Act reads as follows:

"21. Withdrawal of recognition.- (1) When upon report by the Committee or the visitor, it appears to the Council—

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

F *(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such veterinary institution or in any college or other institution affiliated to it do not conform to the standards prescribed by the Council. the Council shall make a representation to that effect to the Central Government.*

G *(2) After considering such representation, the Central Government may send it to the State Government of the State in which the veterinary institution is situated and the State Government shall forward it along with such*

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remarks as it may choose to make to the veterinary institution, with an intimation of the period within which that institution may submit its explanation to the State Government. A

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

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

37. As per the said section, the recognition can be withdrawn under the following circumstances: G

- (i) If the courses of study, examinations to be undergone in or the proficiency required from candidates at any examination held by any veterinary institution are not in conformity with the H

- A regulations made under the Act or fall short of the standards required thereunder; and or
- (ii) If the staff, equipment, accommodation, training and other facilities for instruction and training provided in such veterinary institution or in any college or other institution affiliated to it do not conform to the standards prescribed by the Council.
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In aforesaid circumstances, the Veterinary Council may make representation to that effect to the Central Government and after following procedure prescribed under Section 21, including inquiry, the Central Government is empowered under sub Section (4) of Section 21 to issue a notification in the official gazette directing that an entry shall be made in the appropriate Schedule against the said veterinary qualification declaring that it shall be a recognized veterinary qualification only when granted before a specified date or that the said veterinary qualification if granted to students of a specified college or institution affiliated to any veterinary institution shall be a recognized veterinary qualification only when granted before a specified date or, as the case may be, that the said veterinary qualification shall be a recognized veterinary qualification in relation to a specified college or institution affiliated to any veterinary institution only when granted after a specified date.

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38. Though the heading of Section 21 shows “withdrawal of recognition” and one may say that it is not specified that the College or Institution affiliated to veterinary institution is required to be recognized by the Central Government, but Section 15 read with sub Section (4) of Section 21 empowers the Central Government to make an entry in the appropriate Schedule (First Schedule) declaring that veterinary qualification granted to students of a specified College or Institution affiliated to any Veterinary Institution (University) shall be a recognized

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veterinary qualification only when granted before a specified date or that the said veterinary qualification shall be recognized veterinary qualification in relation to the said College or Institution affiliated to the University only when granted after a specified date. A

39. Section 21 has to be given its fullest meaning irrespective of its marginal note (heading) "withdrawal of recognition". On a meaningful reading of the Statement of object and preamble of the Veterinary Council Act together with Sections 2(e), 2(j), Sections 15,19 and 21 and on a purposive construction of Regulation 2(n) of the Regulation 2008 read with Regulation 2(c) of the Regulations, 1992, it is clear that only "Veterinary College" imparting teaching in veterinary science and animal husbandry through which a degree is conferred by a University and is recognized by the Veterinary Council of India and shown in the First Schedule is eligible to impart teaching of B.V.Sc.& A.H. Course. B C D

40. To draw a similarity, counsel for the parties referred to provisions of the Indian Medical Council Act, 1956. Section 15 of the Indian Veterinary Council Act, 1984- which deals with "recognition of veterinary qualifications granted by veterinary institution in India" is in pari materia with Section 11 of the Indian Medical Council Act, 1956 which is as follows:- E

"11. Recognition of medical qualifications granted by Universities or medical institutions in India.-(1) The medical qualifications granted by any University or medical institution in India which are included in the First Schedule shall be recognized medical qualifications for the purposes of this Act. F G

2. Any University or medical institution in India which grants a medical qualification not included in the First H

A *Schedule may apply to the Central Government to have*
such qualification recognized, and the Central
Government, after consulting the Council, may, by
notification in the official Gazette, amend the First
 B *Schedule so as to include such qualification therein, and*
any such notification may also direct that an entry shall
be made in the last column of the First Schedule against
such medical qualification declaring that it shall be a
 C *recognized medical qualification only when granted after*
a specified date."

41. Similarly Section 21-"Withdrawal of recognition" of the
 Indian Veterinary Council Act, 1984 is in pari materia with
 Section 19 of the Indian Medical Council Act, 1956, as quoted
 below:

D *"19. Withdrawal of recognition.-(1) When upon report by*
the Committee or the visitor, it appears to the Council-

E (a) *that the courses of study and examination to be*
undergone in, or the proficiency required from
candidates at any examination, held by, any
University or medical institution, or

F (b) *that the staff, equipment, accommodation, training*
and other facilities for instruction and training
provided in such University or medical institution
or in any college or other institution affiliated to
 G *that University, do not conform to the standards*
prescribed by the Council, the Council shall make
a representation to that effect to the Central
Government.

(2) *After considering such representation, the Central*
Government may send it to the State Government of the

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State in which the University or medical Institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the University or medical institution, with an intimation of the period within which the University or medical institution may submit its explanation to the State Government.

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

4. *The Central Government, after making such further inquiry, if any, as it may think fit, may, by notification in the official Gazette, direct that an entry shall be made in the appropriate Schedule against the said medical qualification declaring that it shall be a recognized medical qualification only when granted before a specified date or that the said medical qualification if granted to students of a specified college institution affiliated to any University shall be a recognized medical qualification only when granted before a specified date or, as the case may be, that the said medical qualification shall be a recognized medical qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date."*

42. In view of the aforesaid provisions of the Indian Medical Council Act, 1956; while Central Government notified First Schedule, names of the recognized medical colleges along with the Universities affiliating the colleges both have been shown therein along with qualifications which are recognized. This is apparent from relevant extract of the First Schedule to the Indian Medical Council Act, 1956, as quoted below:

S.No.	Course Name	State	Name and Address of Medical College / Medical Institution	University Name	Management of College	Year of Inception of College	Annual Intake (Seats)	Status of MCI Recognition	Date of LOP
1	Diploma in Anesthesia	Rajasthan	R.N.T Medical College, Udaipur	Rajasthan University of Health Sciences	Govt.	1961	6	Recognized when granted on or after 1981	
2	Diploma in Anesthesia	Rajasthan	Sardar Patel Medical College, Bikaner	Rajasthan University of Health Sciences	Govt.	1959	6	Recognized when granted on or after July 1968	
3	Diploma in Anesthesia	Rajasthan	SMS Medical College, Jaipur	Rajasthan University of Health Sciences	Govt.	1947	6	Recognized	
4	Diploma in Child Health	Rajasthan	R.N.T Medical College, Udaipur	Rajasthan University of Health Sciences	Govt.	1961	3	Recognized when granted in or after Dec. 1981.	
5	Diploma in Child Health	Rajasthan	Sardar Patel Medical College, Bikaner	Rajasthan University of Health Sciences	Govt.	1959	6	Recognized when granted on or after Apr 1969	

43. Therefore, on careful consideration of the provisions discussed above, we hold that it is mandatory for a "Veterinary College" imparting teaching of B.V.Sc. & A.H. Course to get recognized by the Central Government under First Schedule to the Indian Veterinary Council Act, 1984. A

44. For deciding the second question, it is desirable to advert to the facts of the present case. Both Apollo College and Mahatma Gandhi College were permitted to be opened by the State of Rajasthan and were affiliated with the University recognized by the Veterinary Council of India. The Inspection Committee of Veterinary Council of India inspected the Apollo College from time to time and by inspection report, 2003, the Committee recommended for admission of students subject to removal of certain deficiency of building, as the College was opened in a rented building. The Central Government by letter dated 26th September, 2003 informed the Agricultural University to request the Apollo College to fulfill the minimum requirements. Though the public notice was issued by Veterinary Council of India on 12th May, 2005 and 20th May, 2005 in newspapers informing that the B.V. Sc. & A.H. qualification of the students of the Apollo College was not a recognized Veterinary qualification, by letter dated 22nd November, 2005, the Veterinary Council of India granted no objection to admit students in the Apollo College. Subsequently, Apollo College was inspected by the Inspectors of the Veterinary Council of India on 22nd and 24th January, 2007 who submitted report and informed that the Apollo College was following the norms and conditions required by the Veterinary Council of India. Thereafter, pursuant to a meeting between the representatives of Agricultural University and Veterinary Council of India held on 2nd February, 2008 it was decided by Veterinary Council of India on 10th March, 2008 to grant provisional recognition of B.V. Sc. & A.H. degree in respect of 1st batch of students of the Apollo College. With regard to 2nd batch of students the Veterinary Council of India on 27th February, 2009 requested the Central Government to take B
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A necessary action to recognize the qualification of the 2nd batch of students of Apollo College admitted in the year 2004. Similar letter was issued in respect to 3rd batch of students who were admitted in the month of December, 2004. The Veterinary Council of India on 24th July, 2009 also informed the Agricultural University that the Apollo College could admit the students for the Academic Session 2009-2010. In view of such recognition granted by the Veterinary Council of India and permission granted to admit students for the academic session 2009-2010 the students were admitted in the Apollo College.

C 45. It is not in dispute that the students were admitted in the Apollo College pursuant to open entrance test of Rajasthan pre-medical/Rajasthan pre-Veterinary (RPM/RPV). They completed their course and have successfully cleared B.V.Sc. & A.H. examination. The students who have already passed out from the Apollo College are the holders of the basic degree of B.V.Sc. & A.H. granted by the Rajasthan Agricultural University, which is recognized qualification entered in the First Schedule of the Indian Veterinary Council Act, 1984. It is also not in dispute that many of such students who have already passed out are in Government service or in private service. The sole ground on which the students of the Apollo College who have passed out B.V.Sc. & A.H. degree examination are treated differently is that the Central Government has not notified the Apollo College and, thereby the College is not included in the First Schedule to the Indian Veterinary Council Act, 1984. Swami Keshwanand Rajasthan Agricultural University, Bikaner is duly established university by statute and it is fully competent to conduct examinations and award B.V.Sc. & A.H. degree. The degree of B.V.Sc. & A.H. granted by the university is included in the First Schedule to the Indian Veterinary Council Act, 1984 as a degree fully recognized by the Veterinary Council of India which is the paramount professional body set up by statute with authority to recognize the medical veterinary qualifications granted by any University.

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46. The Division Bench of the High Court, in our opinion, was manifestly in error in holding that since B.V.Sc. & A.H. degree possessed by the students was not one obtained from a recognized College it could not be treated as a valid qualification for the purpose of registration under the Veterinary Council of India (Registration) Regulations, 1992 and for other purpose.

47. Similar is the position with regard to students of Mahatma Gandhi College. In fact favourable reports were given, by the Inspection Committee all time did Veterinary Council of India allowed the College to admit students and recommended the Central Government to amend the First Schedule by entering the name of the College. It is only when the students who have passed out from College moved before the High Court for direction to the Central Government to issue appropriate notification including the Mahatma Gandhi college, in the First Schedule, the Veterinary Council withdrew the recommendation. What we observed with regard to students who have passed out from Apollo College is equally applicable to the students who have passed out from the Mahatma Gandhi College.

48. In fact the subsequent development, as noticed above, shows that the Veterinary Council of India again recommended Central Government to recognize the Apollo College and Mahatma Gandhi College and the Central Government has already made certain queries.

49. In the facts and circumstances of the case, we are of the view that the Division Bench of the High Court should have given a possible legal solution in respect to the students who have already passed out from the Apollo College and the Mahatma Gandhi College affiliated to Swami Keshwanand Rajasthan Agricultural University, Bikaner by directing the Central Government to make appropriate amendment in the First Schedule of the Indian Veterinary Council Act, 1984 so as to include the Apollo College and the Mahatma Gandhi

- A College in the First Schedule for the purpose of recognition of B.V.Sc. & A.H. degree on or before 11th July, 2011 in so far as it relates to Apollo College and 8th December, 2011 in respect of Mahatma Gandhi College. We direct accordingly. So far as the other students who have been admitted in the Apollo
- B College and the Mahatma Gandhi College and are pursuing their studies are concerned the Central Government is directed to call for a fresh report from the Veterinary Council of India and to pass appropriate order u/s 15 (2) r/w Section 21 (4) of the Indian Veterinary Council Act, 1984. In case it is not possible
- C to recognize the Apollo College and the Mahatma Gandhi College beyond such date as ordered above, the Veterinary Council of India is directed to take steps to transfer the students to some other recognized Colleges against their corresponding year to complete the B.V.Sc. & A.H. course.
- D 50. For the reasons aforesaid, we set aside the impugned common judgment and order dated 17th November, 2011 passed by the Division Bench of High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur; the judgment and order dated 23rd December, 2011 passed by the learned Single Judge of
- E the High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur and letters issued by the Veterinary Council of India directing the State Veterinary Council to delete the names of the doctors from their register. The appeals are allowed with aforesaid observations and directions. The interlocutory applications for
- F intervention, impleadment and deletion stand disposed of in view of the finding recorded above. No costs.