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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 17420/2022 & CM APPL. 55462/2022

BHUPENDER

..... Petitioner

Through: Mr Nipun Arora, Ms Annanya Mehan
and Mr Deepak Nagar, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Neeraj, SPC with Mr Vedansh
Anand, GP with Mr Sahaj and Mr
Rudra, Advocates.
Mr S. S. Lingwal, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.12.2022

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1. The grievance of the petitioner in the present petition is that he is a student of Bachelor course studying in International Institute of Veterinary Education and Research, Rohtak. He had given an examination for the Post Graduate Programme – All India Entrance Examination for Admission. This examination is conducted by the National Testing Agency and supervised by the Indian Council of Agriculture Research.

2. The learned counsel for the petitioner submits that in the said examination, the petitioner has ranked first in the All India Ranking. He further submits that he is not being permitted to participate in the counselling being conducted by the ICAR for the All India Quota for the reason that the institute where from the petitioner is doing his bachelor's is

not accredited with ICAR.

3. The learned counsel for the petitioner further contends that the institute of the petitioner wherefrom he is doing his bachelor is affiliated to Lala Lajpat Rai University of Veterinary and Animal Sciences (Haryana) and the said University was accredited with ICAR till the academic year 2020-2021. He further submits that the college of the petitioner is recognised and the University to which it is affiliated is also recognised and finds mention in the First Schedule of the Indian Veterinary Council Act, 1984. He further submits that the admissions to the Veterinary Course are governed by the Indian Veterinary Council Act and not by the ICAR. Therefore, he urges that the condition imposed by the ICAR with regard to the institute being accredited for the candidate to be considered for the counselling for All India Quota by the ICAR is unlawful. According to him, the ICAR has no statutory backing to impose such a condition. He also invites the attention of the court to the observations of the Supreme Court of India in *Veterinary Council of India vs. Indian Council of Agricultural Research: (2000) 1 SCC 750*, to contend that it is the VCI and not ICAR, which regulates veterinary education in India. The relevant part of the observations reads as under:-

“.....VCI is authorised to frame regulations relating to prescribing standards of veterinary education for granting veterinary qualifications and such an authority must include the power to regulate admissions to the course so as to maintain the “standards of education.”.....”

4. In the aforesaid factual backdrop, the present petition has been filed with the following relief:-

“A. Direct the Respondents to consider the Petitioner in the admissions process.

B. Declare that the requirement that veterinary colleges need accreditation from ICAR for consideration in ICAR-AIEEA-PG is null and void.”

5. Notice in the matter has already been issued vide order dated 20.12.2020.

6. The learned counsel for respondent no.3-ICAR submits that the condition of accreditation is already there in place since the academic year 2017-18 and it has been notified even in the information bulletin issued by the ICAR for the purposes of the examination. He submits that this information has been in the public domain for all these years.

7. Let the counter affidavit be filed by the respondents within a period of ten days. Rejoinder, if any, be filed before the next date.

8. In the meanwhile, any admissions made by the ICAR in the PG courses shall be subject to the outcome of the present writ petition. This part of the order be notified by the ICAR to all the prospective candidates seeking admission in PG courses through all India quota.

9. List on 12.01.2023.

VIKAS MAHAJAN, J

DECEMBER 22, 2022

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