

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION NO : 25775 of 2009

Between:

Dr. K. Krishna Kumar S/o. K. Nagi Reddy, Hindu
Presently working at Animal Quarantine & Certification Services, Rajiv
Gandhi International Airport, Shamshabad, Hyderabad

..... PETITIONER

AND

- 1 Government of India Department of Animal Husbandry, Dairying & Fisheries, Rep. by Secretary, Krishi Bhavan, New Delhi
- 2 Veterinary Council of India Rep. by its Secretary, A Wing, II Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi
- 3 Returning Officer Room No. 230, Krishi Bhavan, New Delhi
- 4 A.P. State Veterinary Council Rep. by its President, Shanti Nagar, Masab Tank, Hyderabad .

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate, writ, order or direction, declaring the action of Respondents 1 to 3 in conducting the Elections on 30-11-2009 as per Notification dated 12-10-2009 without updating the latest addresses of the respective members enabling them to exercise their franchise for the election of 11 members to the 2nd respondent council as per the updated list of the Draft Electoral Rolls furnished by the 4th respondent to the 2nd respondent council as illegal, arbitrary, null and void, and for a consequential order directing the Respondents 1 to 3 either postpone the election scheduled to be held on 30-11-2009 or to give a new schedule of election giving opportunity to all the members to participate in the elections by updating the latest addresses.

Counsel for the Petitioner: SRI.CH.DHANAMJAYA

**Counsel for the Respondent Nos 1 & 3: SRI K P. SATISH GOUD
(ASST SOLICITOR GEN)**

**Counsel for the Respondent No.2: A. SAMIR KUMAR REDDY
(SC FOR CENTRAL GOVT.,)**

Counsel for the Respondent No.4: SMT. C. LAKSHMI KUMAR

The Court made the following ORDER:-

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY**Writ Petition No.25775 of 2009****ORDER:**

The Indian Veterinary Council Act, 1984 provides for constitution of the Veterinary Council of India and other related matters. Elections to the Council are to be held periodically. The 1st respondent issued a notification, dated 12.10.2009, proposing to conduct elections, through the Returning Officer, the 3rd respondent herein. 19.10.2009 is stipulated as the last date for filing nominations. 30.11.2009 is the date of polling and the counting is to take place on the next day. The petitioner is a Veterinary Doctor and Member of the Council, and intends to contest in the forthcoming elections. His grievance is that, the list of members from the State of Andhra Pradesh was not updated, in spite of necessary information having been furnished by the President of the A.P. State Veterinary Council, the 4th respondent, and that the same would have an adverse effect on the electoral process.

The petitioner states that long before the notification was issued, the Draft Electoral Roll was published, on 31.03.2009, and on the basis of the objections received in relation thereto, the 4th respondent has updated the list of members and forwarded the same to the 2nd respondent *vide* covering letter, dated 20.08.2009 along with Compact Disk (CD) containing the corrected addresses, and still, he did not take any steps. Reference is made to a letter, dated 17.11.2009, addressed by the 4th respondent, wherein it was complained that 90% of the registered

Veterinarians, including the President of the State Council, did not receive the ballot papers. Similar complaints are said to have been received from other states, such as Gujarat. The petitioner has furnished an updated list of Veterinarians from the state. With this background, the petitioner prays for a writ of *Mandamus* declaring the action of respondents 1 to 3 in proposing to conduct the elections, in pursuance of the impugned notification, without updating the process of the members, as illegal, arbitrary and unconstitutional and prays for a consequential direction.

Separate counter-affidavits are filed, by respondents 1 and 3, respondent No.2 and respondent No.4. In all the counter-affidavits, the details of election program, the publication of notification and other steps taken in pursuance thereof, are stated. An objection is raised as to the maintainability of the writ petition. In his counter-affidavit, the 2nd respondent admitted that the 4th respondent has sent a CD, furnishing the names and addresses of all the members of that unit, but without any remarks, as to any change of addresses. On account of that reason, it is stated that no action could be taken.

Heard Sri Ch.Danamjaya, learned counsel for the petitioner, A.Samir Kumar Reddy, learned counsel for respondents 1 to 3, and Smt.C.Laxmi Kumari, learned counsel for the 4th respondent.

Preparation of a valid voters' list is an important step in any election process. If the Electoral Roll is defective, whether on account of the exclusion of names of eligible electors, or for inclusion of ineligible voters, the entire election process would be adversely effected. This is



particularly so when the elections relate to professional and specialized bodies, where the right to vote is conferred on specially qualified persons. The address of a voter assumes importance, wherever, the ballot papers are sent to him, by post.

The elections became due to the Veterinary Council, and accordingly, steps were initiated for election of 11 members. The process commenced in the month of March, 2009 and all the State units were required to update the lists and forward the same to the 2nd respondent. On receiving the intimation, the 4th respondent displayed the same at their office, and received objections from the concerned members. It was found that fairly large number of Veterinarians, who are members of the 4th respondent, have changed their residences, be it on account of the posting, transfers or settling residences etc. After receiving the necessary information, the 4th respondent updated the addresses and forwarded the same to the 2nd respondent for necessary action. This was, however, not acted upon by the 2nd respondent. The reason stated by it is, as under:

"The State Council sent a CD of the whole State Veterinary Register of Andhra Pradesh containing names of all the registered Veterinary practitioners without any remarks of change of address. Hence, the Council has not considered this CD for updating the address. As the information provided by the Andhra Pradesh State Veterinary Council in the form of CD did not contain any remark regarding change of addresses of Registered Veterinary Practitioners in the State Veterinary Practitioners Register, the same was in contrary to Rule 7(4) of the IVC Rules, and hence was not considered for making amendments in the Electoral Roll."

The only objection is that the remarks for change of addresses were not mentioned. This is just untenable. There cannot be any remarks for change of addresses. At any rate, no further information was required from the 4th respondent and the old list was acted upon.

After the election notification was published, the 4th respondent addressed a letter, dated 17.11.2009, to the 2nd respondent. It is brief in its content, but connotes the serious lapse in the entire process. It reads as under:

"I regret to state that about 90% of Registered Veterinarians have not received ballot papers till to date, giving raise to suspicion of rigging of election process, I too have not received my ballot paper.

I request to kindly examine the issue for rendering justice to the election process."

If 90% of the existing members, and in particular the President of a State unit, did not receive ballot papers, the election, to that extent is bound to be farcical. Respondents 2 and 3 appear to be almost insensitive for such a serious lapse. The poll did not take place, on account of the interim order granted by this Court, insofar as it relates to the members of the A.P. State Council, i.e. the 4th respondent. Even now, the remedial steps can be taken. Ballot papers can be sent to the updated addresses by postponing only the date of poll, even while retaining the other election program in tact. No prejudice would be caused to any one, on account of such a step. On the other hand, the election would become perfect and meaningful.



Hence, the Writ Petition is allowed, and the 2nd respondent is directed to fix another date of polling for the Veterinarians, who are the members of the 4th respondent, and send ballot papers to the addresses furnished in the Compact Disk, forwarded by the 4th respondent. It is needless to mention that the ballot papers sent by it to such addresses, on earlier occasion, shall stand cancelled. The counting of the votes shall take place, after completion of the polling, as indicated above.

There shall be no order as to costs.

SD/- P.S.SOMAYAJULU
ASSISTANT REGISTRAR

//TRUE COPY//

Sll
SECTION OFFICER

To

1. The Secretary, Government of India Department of Animal Husbandry, Dairying & Fisheries, Krishi Bhavan, New Delhi
- 2 The Secretary, Veterinary Council of India ,A Wing, II Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi
- 3 The Returning Officer Room No. 230, Krishi Bhavan, New Delhi
- 4 The President, A.P. State Veterinary Council Shanti Nagar, Masab Tank, Hyderabad .
5. . One CC to P. Satish Goud, Asst Solicitor General, High Court of A.P. Hyderabad (OPUC)
6. 2 C.D.Copies
7. One CC to Sri Ch. Dhanamjaya , Advocate(OPUC)
8. One CC to Sri A. Samir Kumar Reddy, Advocate(OPUC)
9. One CC to Smt. Lakshmi Kumar, Advocate(OPUC)

MVL. *A*

HIGH COURT

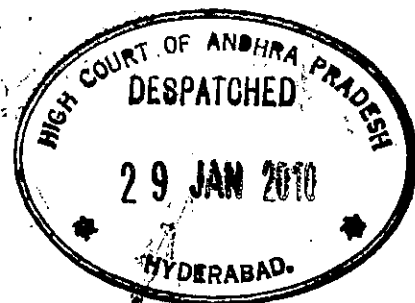
Dated: 29/12/2009

ORDER

W.P. No. 25775 of 2009

17H

Allowing the W.P. without costs



APS 29/11
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