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IN THE HIGH COURT OF JUDICATURE, ANEDHRA PRADESH AT  
HYDERABAD

W.P.NO. 25775 OF 2009

Between:-

Dr.K.Krishna Kumar,  
S/o K.Nagi Reddy, aged 43 years,  
Occ: Veterinary Doctor, Dept. of Animal Husbandry,  
Presently working at Animal Quarantine & Certification  
Services, Rajiv Gandhi International, Shamshabad,  
Hyderabad.

..Petitioner.

AND

1. The 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.

COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup> RESPONDENT

I, M.Yogi Reddy, S/o Ramaiah, aged about 73 years, President, A.P.  
State Veterinary Council, Shanti Nagar, Masab Tank, Hyderabad, do hereby  
solemnly affirm and sincerely state on oath as follows:-

1. I submit that I am the President of A.P. State Veterinary Council and  
4<sup>th</sup> respondent in the aforesaid writ petition and as such well acquainted with  
the facts of the case.



2. I submit that I have read the averments made in support of the writ petition and I deny the same as factually incorrect and legally tenable except to the extent specifically admitted herein.

3. I submit that it is true that elections for the 11 Members of Veterinary Council of India, New Delhi was proposed to be held on 30.11.2009. I submit that it is also true that an election notification has been issued on 12.10.2009 giving election schedule where under the date of election was 30.11.2009.

4. I submit that the Parliament has enacted Indian Veterinary Council Act, 1984 and the National Body has been constituted under Section-3(1) of the Act. I submit that the statute contemplates under Section-3(3)(g) that 11 Members to be elected from among themselves by persons enrolled in the Indian Veterinary Practitioners Register.

5. I submit that under Section 23(1), the V.C.I. is mandated to maintain a register of Veterinary Practitioners. It is known as Indian Veterinary Practitioners Registers shall contain the names of all persons who possessed the recognized veterinary qualification and who are enrolled on a State Veterinary Register of the State where is in operation.

6. I submit that the 4<sup>th</sup> respondent is a body constituted under Section-3(5) of the Act and I have been elected by the members of the State Veterinary Council.

7. I submit that the controversy in the present case revolves around the validity of final electoral rolls of Registered Veterinary Practitioners and with regard to the election schedule to be held on 30.11.2009 for election of 11 Members to the 2<sup>nd</sup> respondent council, a draft electoral roll containing

the names of members upto 31.3.2008 has been sent to the State Units vide letter dt.21.7.2009 directing the State units to display in the office of State Veterinary Council for instructions by registered practitioners as required under Rule-5 of Indian Veterinary Council Rules, 1985. Section-8(4) read with Section-4 of the Act and as required under Rule-6 the objections and claims to be sent to the Veterinary Council of India, New Delhi on or before 21.8.2009.

8. I submit that we have not received claims and objections from the verifications of draft electoral rolls, the rolls draft electoral roll has contained several addresses which were required to be updated and Rule-8(1) states as follows:-

“8. Final publication of roll:-

(1) The Secretary shall after disposing of the claims and objections under Rule-7, prepare a list of amendments to carry out the decisions under the said rule and to carry out any clerical or printing error and other inaccuracies subsequently discovered or brought to the notice in the roll.”

9. I submit that Rule-8 (1) of the Rules contemplated not only claims and objections under Rule-7 and also envisages clerical or printing error and other inaccuracies subsequently discovered or brought to the notice in the roll (Self emphasized).

10. I submit that as per the cumulative reading of Rule-7 and the State bodies has got a power and also duty bound to forward to the V.C.I., the inaccuracies appearing in the draft electoral roll and the V.C.I. represented by the 2<sup>nd</sup> respondent is bound to consider the remarks sent by the Registrar, A.P. State Veterinary Council who is the executive authority Rule 30(1) of

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Rule 30(1) of A.P. State Veterinary Council Rules framed under Section 65 of the Indian Veterinary Council Act, 1984.

11. I submit that the Registrar, A.P. State Veterinary Council has in exercise its powers addressed a letter No.706/T/2009 dt.20.8.2009 containing the CD of electoral roll, registration number, name and the latest addresses of the registered veterinarians and has thus furnished an updated list.

12. I submit that in the light of Rule-8(1) of Indian Veterinary Council Rules surprising that 2<sup>nd</sup> respondent has made an averment in his counter affidavit that the 4<sup>th</sup> respondent-State Council has send a CD of all the registered Veterinary Practitioners without any remarks of change of addresses and hence the Veterinary Council of India-2<sup>nd</sup> respondent has not considered for updating the addresses. I submit that the aforesaid averment is totally untenable and contrary to Rule-8(1) of Indian Veterinary Council Rules framed in Indian Veterinary Council Act, 1984.

13. I submit that whole list along with covering letter containing 4,814 registered veterinary names who are registered in the State roll with the changed addresses and in our letter we have clearly states that the addresses of the several registered veterinarians are to be updated and further we have stated that the very purpose for updating the addresses with a clear intention that the postal ballots reaches the appropriate members at an appropriate address shows that a fair election to take place for 11 members of the Veterinary Council of India.

14. I submit that on receiving several representation from registered veterinarians from various places throughout the State, we could that upto



(5)

16.11.2009 very meager number of postal ballot have been received by the registered veterinarians and as a result, we were constrained to submit a letter dt.17.11.2009 bringing to the notice of respondents 1 and 3 about the fact that 90% of members have not received ballot papers and even I have not received my ballot paper shows the arbitrary power which has been exercised by the 3<sup>rd</sup> respondent in conducting the elections.

15. I submit that the inaction of the 3<sup>rd</sup> respondent in not initiating any action on our representation dt.17.11.2009 despite the same being sent to him by way of marking a copy prior to 14 days before the schedule date of election i.e., 30.11.2009 is highly illegal, arbitrary and as resulted in traversy of democracy as all eligible registered veterinarians to an extent of 60% could not participate as they have not received their ballot papers from the 3<sup>rd</sup> respondent herein.

16. I submit that the present set of facts would come under Rule-8(1) of the Veterinary Council of India Rules and not under Rule 7 in as much as Rule-7(1) and (2) which deals with claims and objections is only in respect of inclusion and deletion of names in the roll and not with regard to change of address which is required to be updated and hence the 2<sup>nd</sup> respondent cannot take a plea which is contrary to Rule.

Hence, in the above facts and circumstances, it is therefore prayed that this Hon'ble Court may be pleased to pass such other order or orders as this Hon'ble Court may deem think fit and proper and in the circumstances of the case.

  
DEPONENT

Sworn and signed before me  
On this the 22<sup>nd</sup> day of December, 2009  
At Hyderabad.

Before me



VERIFICATION STATEMENT

I, M.Yogi Reddy, S/o Ramaiah, aged about 73 years, President, A.P. State Veterinary Council, Shanti Nagar, Masab Tank, Hyderabad, do hereby verify that the above all contents in paras 1 to 16 of the affidavit are believed to be true and correct to the best of my knowledge and belief and I have not suppressed any material facts.

Verified on this the 22<sup>nd</sup> day of December, 2009

Advocate.



Deponent.