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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

CONTEMPT CASE NO. 1087 OF 2010

IN

WRIT PETITION NO. 25772 OF 2009

BETWEEN:

DR. K. KRISHNA KUMAR

PETITIONER

AND

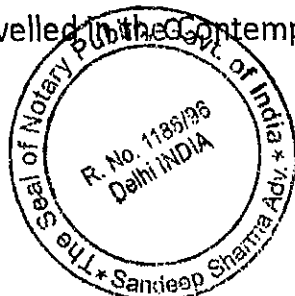
SRI RUDRA GANGADHARAN AND OTHERS

RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Dr. Anup Bhaumik, aged about 49 years, working as Secretary, Veterinary Council of India, (the said Council is hereinafter referred to as the 'VCI') with my office at Bhikaji Cama Place, New Delhi 110 066, do hereby solemnly affirm and state as follows:

1. I am Respondent No. 2 in the present proceedings. In my capacity as Secretary, VCI, I am fully conversant with the facts and circumstances of the case and am also duly authorised and competent to swear this affidavit for and on behalf of the VCI.
2. At the outset, it is respectfully submitted that there has been no intention whatsoever on the part of the VCI or any of its officers to fail to comply or delay compliance with any of the orders passed by this Hon'ble Court. It is respectfully stated that the orders passed by this Hon'ble Court require and are accorded the highest deference and it is always the endeavour of the VCI and its officers to ensure compliance thereof. That has been the endeavour of the VCI even in the instant case. It is further respectfully submitted that in the event there has been any perception that there has been less than diligent compliance with the orders passed by this Hon'ble Court, this Hon'ble Court may be pleased to accept the unequivocal and unconditional apology of the VCI and its officers, in this behalf.
3. The brief facts relevant to the present issue, which demonstrate that there is no merit in the allegations levelled in the Contempt Petition, are respectfully set out hereinafter.



[Handwritten Signature]

4. On December 29, 2009, this Hon'ble Court had been pleased to allow Writ Petition No. 25775 of 2009 filed by the present petitioner by passing the following direction:

"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.

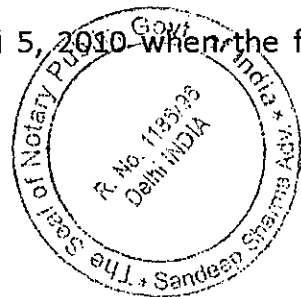


5. The Central Government as well as the VCI filed appeals against the order passed by this Hon'ble Court. WA 74/2010 filed by the Central Government was dismissed *in limine* by this Hon'ble Court by an order dated February 15, 2010. WA 120 of 2010 filed by the VCI was admitted by this Hon'ble Court by an order passed on February 15, 2010. Along with WA 120 of 2010, the VCI had also filed WAMP 303/2010 which was dismissed on February 15, 2010 by the Hon'ble High Court with the following direction:

"In view of the above submission and in the peculiar facts and circumstances of the case, we are of the opinion that the appellant-council is bound to implement the order of the learned single judge.

Accordingly, the appellant is directed to implement the orders of the learned single judge. However, we make it clear that any election that would be conducted shall be subject to the result of this appeal."

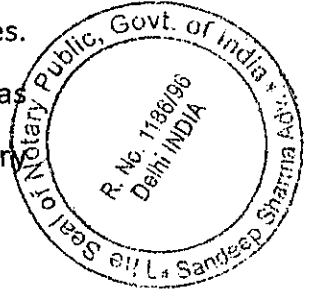
6. The VCI thereafter filed a special leave petition before the Hon'ble Supreme Court (SLP (Civil) No. 8698/2010. The said petition was heard by the Hon'ble Supreme Court on April 5, 2010 when the following order was passed by the Hon'ble Court:



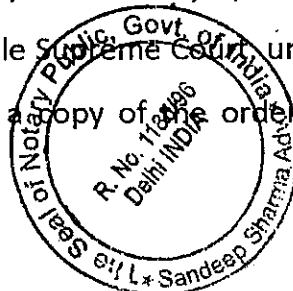
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"We are not inclined to interfere with the impugned order. Accordingly, the Special Leave Petition is dismissed. Learned Counsel for the petitioner points out that the Company Disc (CD) directed to be produced contains only the addresses. The 4th respondent is directed to furnish the remarks also as contemplated under Rule 7(4) of the Indian Veterinary Council Rules, 1985."



7. A certified copy of the order dated April 5, 2010 was obtained on April 7, 2010 and received in the VCI on April 13, 2010.
8. In the meantime, in discharge of its statutory duty, the VCI was required to conduct the All India Pre-Veterinary Test (AIPVT – 2010), an examination to finalise candidates who can undertake a graduate course in veterinary sciences, the process for which commenced on January 8, 2010. The AIPVT – 2010 was to be conducted on May 8, 2010 across 34 centres in the nation and nearly 18000 candidates were to write the said Test. The VCI, which is the statutory agency required to conduct this test, had been engaged in undertaking, with its limited manpower and resources, the management of this massive exercise. The written Test was duly and successfully conducted on May 8, 2010.
9. On April 26, 2010, the VCI was directed by the Ministry of Agriculture, Department of Animal Husbandry, Dairying and Fisheries, Government of India (**'Ministry'**) that the election to the post of President and Vice President of the VCI may be conducted as per the manner provided in the Regulations and to conduct the functioning of the VCI till the adjudication of the court cases pending before the Courts. The VCI was directed that further action in this regard be initiated immediately and election process completed expeditiously. A copy of the letter dated April 26, 2010 addressed by the Ministry to the VCI is annexed hereto and marked as **ANNEXURE R2/1**.
10. Even while undertaking steps for successful conduct of the AIPVT – 2010 as well as initiating steps for compliance with the direction issued by the Ministry in its letter dated April 26, 2010, immediately upon receipt of the order dated April 5, 2010 passed by the Hon'ble Supreme Court, under cover of letter dated April 30, 2010, the VCI forwarded a copy of the order passed by the Hon'ble Supreme

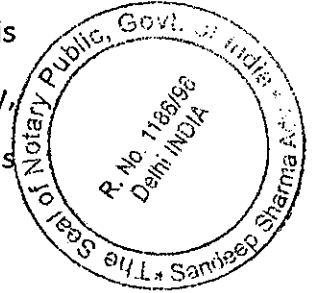


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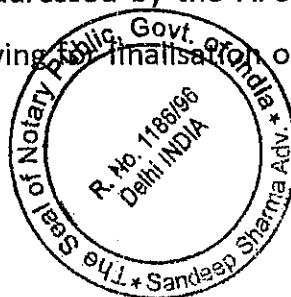
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Court to the Andhra Pradesh State Veterinary Council ('APSVC') along with a request that, in accordance with the order passed by the Hon'ble Supreme Court, the APSVC may furnish the remarks as contemplated under Rule 7(4) of the Indian Veterinary Rules, 1985 ('IVR') in the Compact Disc. A copy of the letter dated April 30, 2010 addressed by the VCI to the APSVC is annexed hereto and marked as **ANNEXURE R2/2**. Rule 7(4) of the IVR stipulates as follows:

"(4) The Register shall, before the expiry of fifteen days from the date of receipt of the claim or objection, as the case may be, forward such claim or objection to the Secretary with his remarks there on, and, where it is considered necessary, with amendments in the State Veterinary Register as provided under sub-section (4) of section 23"

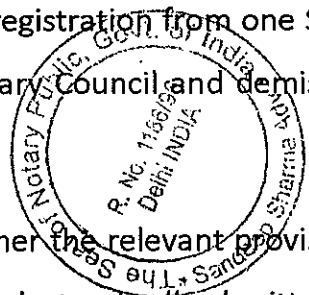


11. In accordance with the directions of the Ministry, elections for the post of President and Vice-President of the VCI were conducted on May 14, 2010.
12. The VCI did not receive any response from the APSVC to the letter dated April 30, 2010, and accordingly, the VCI issued a reminder letter to the APSVC on May 18, 2010. A copy of the letter dated May 18, 2010 addressed by the VCI to the APSVC is annexed hereto and marked as **ANNEXURE R2/3**.
13. On June 3, 2010, a response was received from the APSVC wherein the APSVC forwarded a Compact Disc stated to contain 'the remarks'. A copy of the letter dated June 3, 2010 addressed by the APSVC to the VCI, received in the VCI on June 7, 2010 is annexed hereto and marked as **ANNEXURE R2/4**.
14. In the meantime, the results for the AIPVT – 2010 were declared on June 4, 2010 and steps were required to be initiated by VCI for commencing counselling for allocation of seats. The first round counselling took place on July 5 and 6, 2010 and a second round of counselling was scheduled to take place from July 28, 2010 to July 30, 2010 to fill up 258 seats in 30 Colleges across the nation.
15. On July 21, 2010, the VCI addressed a letter to the APSVC in response to the letter dated June 3, 2010 addressed by the APSVC to the VCI. The APSVC was requested to send the following information of the electoral roll in respect of APSVC:



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- a) Authenticated hard copy (duly signed on each page) of the roll as contained in the CD;
- b) Documentary evidence in respect of the change of addresses against whom remarks have been made in the CD; and
- c) Documentary evidence to show transfer of registration from one State Veterinary Council to another State Veterinary Council and demise of practitioners as indicated in the CD.



The APSVC was further requested to confirm whether the relevant provisions of the IVR were followed while preparing the draft electoral roll submitted by the APSVC. A copy of the letter dated July 21, 2010 addressed by the VCI to the APSVC is annexed hereto and marked as **ANNEXURE R2/5**.

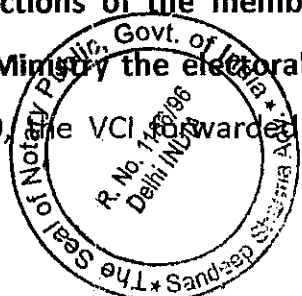
16. A reminder letter was sent by the VCI to the APSVC on August 6, 2010, requesting compliance with the request made in the letter dated July 21, 2010. A copy of the letter dated August 6, 2010 addressed by the VCI to the APSVC is annexed hereto and marked as **ANNEXURE R2/6**.

17.

A letter dated August 13, 2010 addressed by the APSVC was received in the VCI on August 23, 2010 wherein the APSVC furnished an authenticated hard copy of the CD of latest addresses of registered veterinarians in Andhra Pradesh along with documentary evidence for the transferred registrations. A copy of the letter dated August 13, 2010 addressed by the APSVC to the VCI is annexed hereto and marked as **ANNEXURE R2/7**.

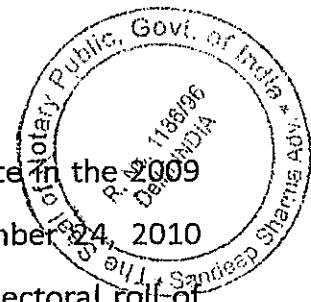
18. Even while the VCI was in the process to taking steps to comply with the directions issued by this Hon'ble Court upon receipt of all information submitted by the APSVC, a copy of the notice issued in CC No. 1087 of 2010 by this Hon'ble Court on July 13, 2010 along with a copy of the contempt petition was received in the office of the VCI on August 26, 2010.

19. Elections of members of the VCI are held by a Returning Officer appointed by the Ministry and accordingly, in due compliance with the role and responsibility of the VCI in relation to elections of the members of the VCI, which is to prepare and forward to the Ministry the electoral roll of members eligible to vote, on September 24, 2010, the VCI forwarded a copy of the electoral roll



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comprising of the names of members of the APSVC entitled to vote in the 2009 VCI elections to the Ministry. A copy of the letter dated September 24, 2010 addressed by the VCI to the Ministry forwarding therewith the electoral roll of members of the APSVC eligible to vote in the said elections, based on the inputs provided by the APSVC in its letter dated August 13, 2010, is annexed hereto and marked as ANNEXURE R2/8.

20. In view of the above facts and circumstances, it is respectfully submitted that there has been no default on the part of the VCI or any of its officers in compliance with the orders passed by this Hon'ble Court. It is respectfully submitted that the VCI has acted with due diligence and with a view to giving full cause and effect to the orders passed by this Hon'ble Court and in the circumstances, it is prayed that this Hon'ble Court may be pleased to dismiss the contempt petition.

RESPONDENT NO. 2

VERIFICATION

I the deponent above named do hereby verify that the contents of paragraph 1 are true to my knowledge and the contents of paragraphs 2 – 20 are based on the records of the case maintained by the VCI in the ordinary course of its activities and that nothing material has been concealed from the above affidavit.

Verified at New Delhi on this 24th day of September 2010.



RESPONDENT NO. 2

ATTESTED

NOTARY PUBLIC
DELHI (INDIA)

24 SEP 2010

SANDEEP SHARMA.
Adv. & Call Commission Apt. B-1 (C.C.D.)
& Notary Govt. of India
Off. At: - U-26-12, Mansarovar Chamber
5, Bhikaji Cama Place, New Delhi
Mob: 9817224100