

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND TEN

: PRESENT:

THE HON'BLE SRI JUSTICE: NOOTY RAMAMOHANA RAO

WP. No. 27725 of 2010

Between:

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

..... PETITIONER

AND

1. The Secretary, Department of Animal Husbandry Dairying & Fisheries, Government of India, Room No. 231,,Krishi Bhavan, New Delhi,
2. Returning Officer, Veterinary Council of India Elections 2009, Department of Animal Husbandry Dairying & Fisheries, Government of India, Room No. 398, Krishi Bhavan, New Delhi, ..

.....RESPONDENT(S)

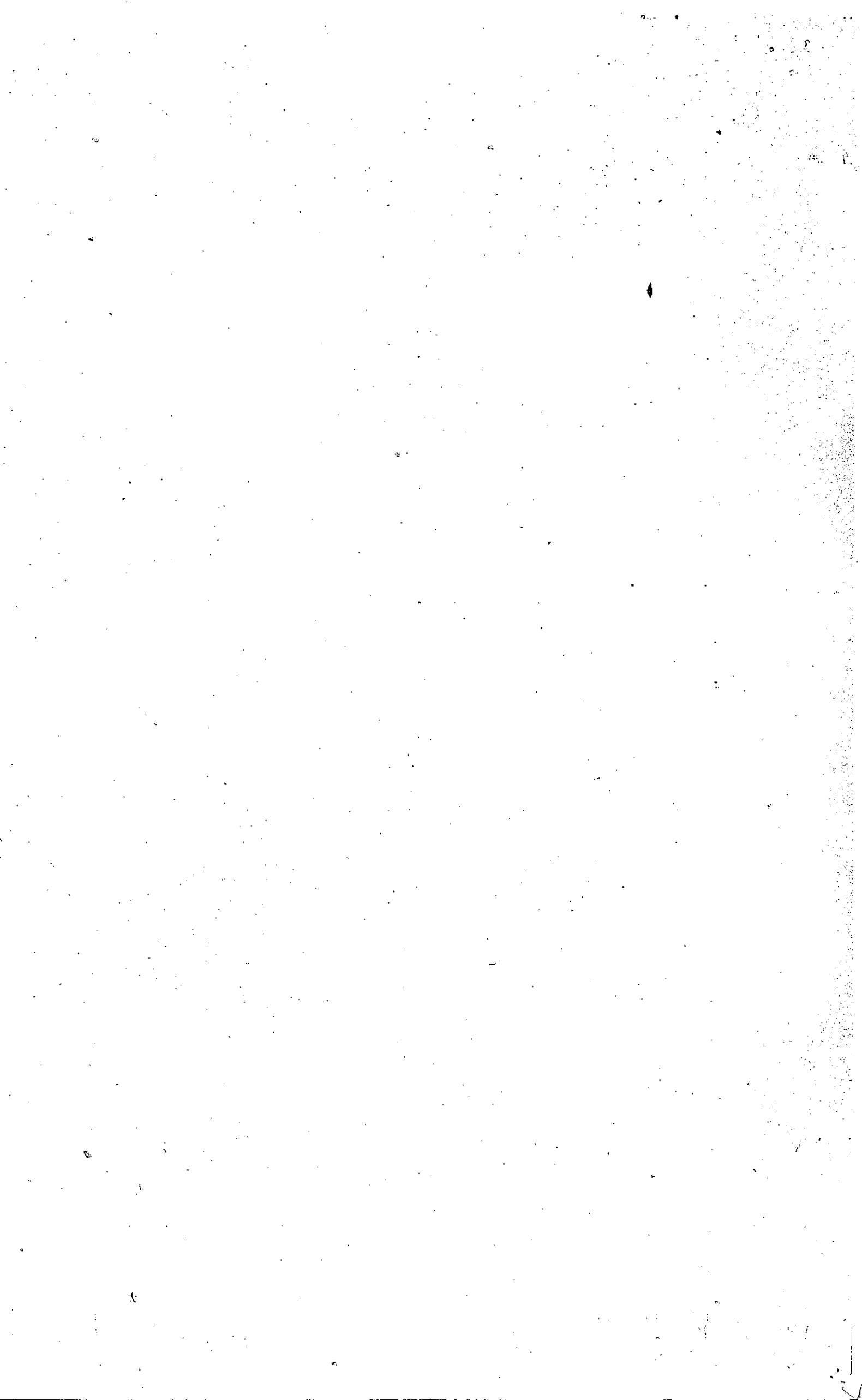
WHERE as the Petitioner above named through his Advocate Sri Ch.Dhanamjaya, presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court may be pleased issue writ of Mandamus or any appropriate writ, order or direction, declaring the inaction of the respondents herein in adopting the procedure contemplated under Rule 18(1) (c) and Rule 18(3) of IVC Rules 1985 while scrutinizing the declaration paper for rejection of voting paper cover by verifying the signatures macroscopically attested on the declaration papers with the original specimen signatures of the respective electors by considering the representation dt: 25.2.2010 as illegal, null and void and for a consequential order to follow the procedure as contemplated under Rule 18 (1) (c) and Rule 18 (3) of IVC Rules 1985 while scrutinizing the declaration papers at the time of counting of votes on 26.11.2010 .

AND WHEREAS the High Court upon hearing the arguments of CH.DHANAMJAYA Advocate for the Petitioner, and directed issue of notice to the Respondents herein to show cause why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in Writ Petition.

You viz ;

1. The Secretary, Department of Animal Husbandry Dairying & Fisheries, Government of India, Room No. 231,,Krishi Bhavan, New Delhi,
2. Returning Officer, Veterinary Council of India Elections 2009, Department of Animal Husbandry Dairying & Fisheries, Government of India, Room No. 398, Krishi Bhavan, New Delhi, ..

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this writ petition should not be admitted.



..2..

And the Court further made the following

ORDER:

Pursuant to the directions issued by this Court elections to the office bearers of Veterinary Council of India are undertaken. The department of Animal Husbandry has appointed one of its senior functionaries as a Returning Officer. 26.11.2010 has been scheduled to be the date for counting the ballots. According to the learned counsel for the respondents-Sri.B.Samson Babu the envelopes containing the ballot papers have been despatched to the electors as of 8.11.2010. I, therefore, consider it inappropriate to stay the proceedings of counting the votes scheduled for 26.11.2010.

But, however, the grievance of the writ petitioner is that the declaration paper in Form III, which is prescribed in terms of Rule 16 (II) of the Veterinary Council Rules, 1985, is to be signed by the electors. This declaration form will have to accompany the cover in which the elector has placed the ballot paper. In terms of Rule 18 of Veterinary Council Rules, 1985 the signature contained on this Form III has got to be verified by the Returning Officer. For this purpose it is open to the Returning Officer – 2nd respondent herein to obtain all such records, which are available with the Veterinary Council of India and also the respective Veterinary State Councils. It is also equally open to the 2nd respondent to secure all such information, which is necessary and appropriate by him through internet/web. However, the 2nd respondent shall not destroy the declaration papers in Form III filed by all the electors. It is open to the petitioner or for that matter any other elector to be present at the time of verification of the declaration paper contained in Form III at the time of counting of the votes. Any objection raised by the new voter, shall be scrutinised and appropriately dealt with. Let a detailed statement be filed in the matter within a period of four weeks. It is needless to observe that the election to the Veterinary Council of India, will abide by the result in this writ petition.

Post after four weeks.

SD/- CH. V. SIVA PRASAD
ASST. REGISTRAR

//TRUE COPY//



for ASSISTANT REGISTRARS

To

1. The Secretary, Department of Animal Husbandry Dairying & Fisheries, Government of India, Room No. 231,,Krishi Bhavan, New Delhi,
2. Returning Officer, Veterinary Council of India Elections 2009, Department of Animal Husbandry Dairying & Fisheries, Government of India, Room No. 398, Krishi Bhavan, New Delhi,..(Addressee Nos 1 & 2 BY RPAD) with a copy of petition and affidavit
3. one CC to Sri Ch. Dhanamjaya, Advocate (OPUC)
4. one spare copy

skm

HIGH COURT

NRR,J

DATE: 18-11-2010

NOTE: POST AFTER FOUR WEEKS

NOTICE BEFORE ADMISSION

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DIRECTION

