

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TEN

PRESENT
THE HON'BLE THE ACTING CHIEF JUSTICE
SMT JUSTICE T.MEENA KUMARI
AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 74 of 2010

(Writ Appeal Under Clause 15 of the Letters Patent against the Order in
W.P.No.25775 of 2009, dated 29/12/2009 on the file of the High Court.)

Between:

- 1 Government of India Department of Animal Husbandry, Dairying & Fisheries, Rep. by Secretary, Krishi Bhavan, New Delhi.
- 2 The Returning Officer, Room No. 230, Krishi Bhavan, NEW DELHI.

..... APPELLANTS/RESPONDENTS 2 and 3

AND

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

.....RESPONDENT/WRIT PETITIONER

- 2 Veterinary Council of India, Rep. by its Secretary, A Wing, II Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi.
- 3 A.P. State Veterinary Council, Rep. by its President, Shanti Nagar, Masab Tank, Hyderabad.

.....RESPONDENTS/RESPONDENTS 2, 4

Counsel for the Appellants : Sri.Ch.Samson Babu

Counsel for the Respondent No.1 : Sri.Ch.Dhanamjaya

**Counsel for the Respondent No.2 : Sri.A.Samir Kumar Reddy,
(SC for C.G)**

Counsel for the Respondent No.3 : Smt.C.Lakshmi Kumar

The Court delivered the following Judgement : -

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HON'BLE THE ACTING CHIEF JUSTICE T.MEENA KUMARI

&

HON'BLE SRI JUSTICE G. CHANDRAIAH**WRIT APPEAL No :74 of 2010****JUDGMENT:** (per Hon'ble The Acting Chief Justice T.Meena Kumari)

The order, dated 29.12.2009 passed by a learned single Judge in W.P.No.25775 of 2009 is challenged by respondents 1 and 3 in the writ petition.

The 1st respondent herein is the writ petitioner. The status of the parties will hereinafter be referred to as arrayed in the writ petition.

The writ petitioner filed the above writ petition seeking to declare the action of respondents 1 to 3 in conducting elections on 30.11.2009 as per Notification dated 12.10.2009, without updating the latest addresses of the respective members so as to enable them to exercise their franchise for the election of 11 members to the Council, as illegal and arbitrary.

The learned single Judge allowed the writ petition directing the 2nd respondent-Veterinary Council of India rep., by its Secretary, 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 Disc, forwarded by the 4th respondent. It was made clear that the ballot papers sent by it to such addresses, on earlier occasion, shall stand cancelled and that the counting of votes shall take place after completion of the polling as indicated.

Having aggrieved by the same, the Government of India, Department of Animal Husbandry, and the Returning Officer, respondents 1 and 3 in the writ petition, filed the present appeal.

Heard the learned Central Government Standing Counsel as well as the learned Counsel for the respondents. Perused the material available on record.

It is pertinent to note that Section 4(2) of the Indian Veterinary Council Act, 1984 states that if any dispute arises regarding any election to the Council, it shall be referred to the Central Government for its decision, which shall be final. The appellate department is the department, which has to render its decision on any matter referred to it. Therefore, we feel that in a case of this nature, the adjudicating authority itself cannot directly approach the Court. Further, the returning officer cannot be an aggrieved person in this matter and on this ground also, this appeal is liable to be dismissed.

Accordingly, the writ appeal is dismissed. No order as to costs.

Sd/-C.VIDYADHAR BHATT
DEPUTY REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To

1. The Secretary, Veterinary Council of India, A Wing – II Floor August Kranti Bhavan, Bhikaji Cama Place, New Delhi.
2. The Present, A.P. State Veterinary Council, Shanti Nagar, Masab Tank, Hyderabad.
3. The Secretary, Government of India, Department of Animal Husbandry, Dairy and Fisheries Krishi Bhavan, New Delhi.
4. The Returning Officer, Room No.230, Krishi Bhavan, New Delhi.
5. One CC to Sri.Ch.Samson Babu, Advocate(OPUC)
6. One CC to Sri.A.Samir Kumar Reddy, SC for Central Government.
7. One CC to Smt.C.Lakshmi Kumar, Advocate(OPUC)
8. One CC to Sri.Ch.Dhananjaya, Advocate(OPUC)
9. 2 C.D.Copies

SA *[Signature]*

HIGH COURT

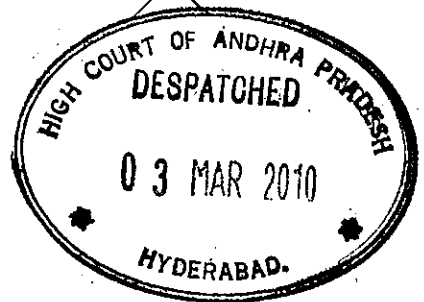
DATED: 15/02/2010

Judgment

W.A.No.74 of 2010

Dismissing the W.A

Without Costs.



MRC
3-3-10 (10)

15/2/2010
3/3/2010
8/3/2010
8/3/10
High Court of Andhra Pradesh
Hyderabad.

8/3/2010

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TEN

:PRESENT:

THE HON'BLE SMT. T.MEENA KUMARI, THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.A.M.P NO: 303 of 2010

IN

W.A.NO: 120 of 2010

Between:

Veterinary Council of India., rep.by its Secretary, A Wing,
II Floor, August.Kranti Bhawan, Bhikaji Cama Place, New Delhi

.....Petitioner

(Appellant in WA.No : 120 of 2010
on the file of High Court)

AND

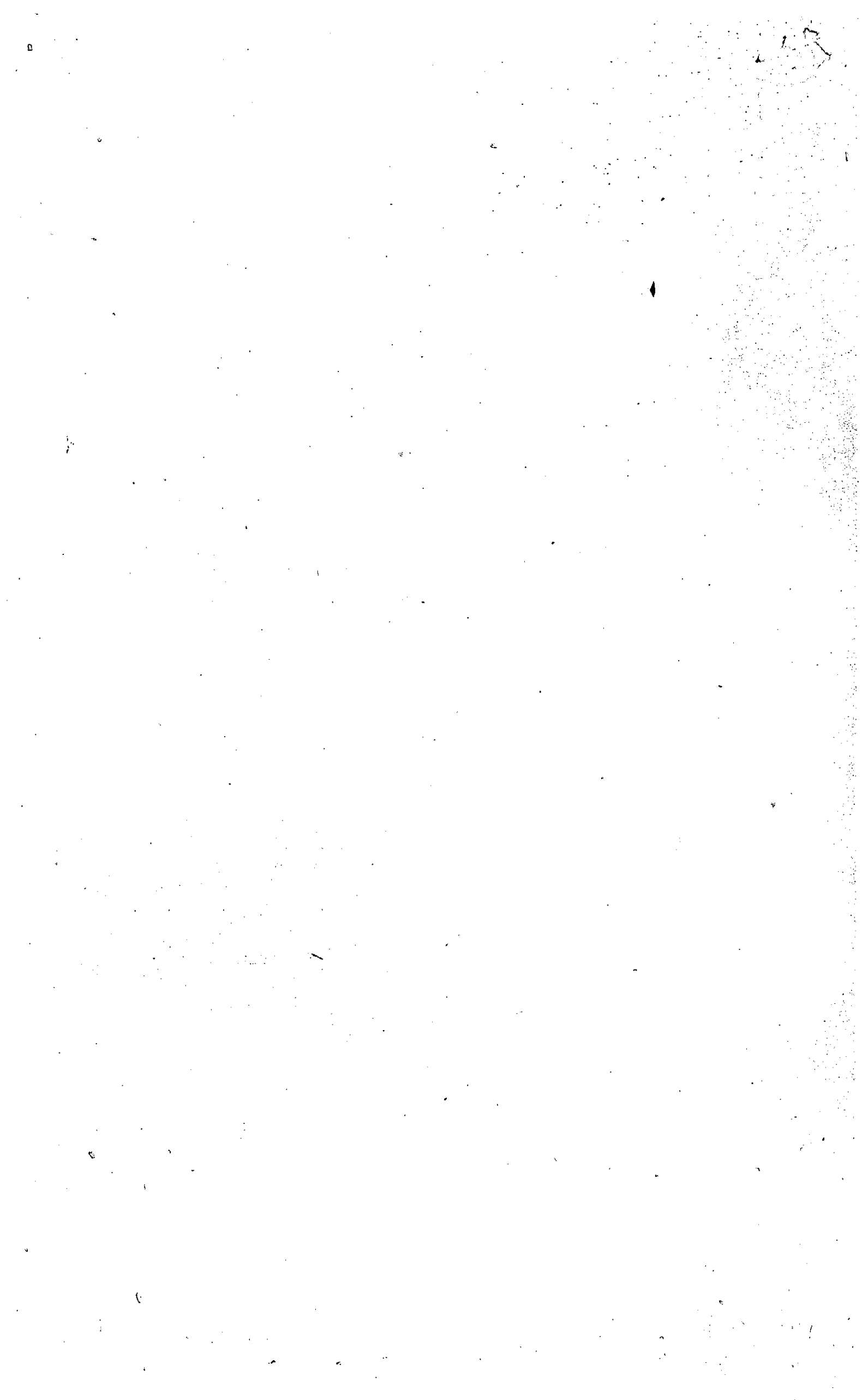
- 1 Dr.K.Krishna Kumar S/o.Shri K.Nagi Reddy, Veterinary Doctor, Dept. of Animal Husbandary, A.P. Presently working at Animal Quarantine & Certification Services, Rajiv Gandhi International Airport, Shamshabad, Hyderabad ... Petitioner/Respondent No.1.
- 2 Government of India., Department of Animal Husbandry, Dairying & Fisheries, Rep.by Secretary, Krishi Bhavan, New Delhi ... Respondent No.1/Respondent No.2
- 3 Returning Officer, Room No.230, Krishi Bhavan, New Delhi ...Respondent No.3/Respondent No.3
- 4 A.P.State Veterinary Council, Rep. by its President Shanti Nagar, Masab Tank, Hyderabad ...RespondentNo.4/Respondent No.4

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.A. the High Court may be pleased to stay the order dated December 29, 2009 passed in Writ Petition No. 25775 of 2009, pending final disposal of the W.A.No. 120 of 2010 on the file of the High Court.

The petition coming on for hearing upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri T. Srinivasa Murthy Advocate for the petitioner, and of Sri Ch. Dhanamjaya Advocate for the Respondent No. 1 and of Sri Ponnam Ashok Goud, Asst. Solicitor General for the respondent No.2, the court made the following:

ORDER: The 2nd respondent in W.P.No. 25775 of 2009 has preferred the present writ appeal challenging the order dated 29-12-2009 passed by the learned single Judge in the above writ petition.

The above writ petition was filed challenging the action of the Government of India, Department of Animal Husbandary, Dairying and Fisheries, rep.by its Secretary, Krishna Bhawan, in issuing notification dated 12-10-2009 proposing to conduct elections, without updating the list of members from the State of A.P. inspite of necessary information furnished by the President of the A.P.State Veterinary Council.



Having regard to the facts and circumstances of the case, the learned single Judge passed the order impugned, which reads as follows:

“ 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.”

It is contended on behalf of the State Veterinary Council that the Secretary, VCI, could not have acted upon the CD sent by the Registrar, A.P. Veterinary Council for the reason that the Registrar in his letter dated 20-8-2009 stated that no claim or objection was received in respect of the draft electoral Roll.

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.

Sd/- M. SURYANARAYANA MURTHY
Asst. Registrar

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for ASSISTANT REGISTRAR

To

1. Dr.K.Krishna Kumar S/o.Shri K.Nagi Reddy, Veterinary Doctor, Dept. of Animal Husbandary, A.P. Presently working at Animal Quarantine & Certification Services, Rajiv Gandhi International Airport, Shamshabad, Hyderabad
- 2 The Secretary, Government of India., Department of Animal Husbandry, Dairying & Fisheries, Krishi Bhavan, New Delhi
- 3 The Returning Officer, Room No.230, Krishi Bhavan, New Delhi
- 4 The President, A.P.State Veterinary Council, Rep. by its President Shanti Nagar, Masab Tank, Hyderabad(1 to 4 by RPAD)
- 5.One C.C.to Sri T. Srinivasa Murthy Advocate. (OPUC)
6. 2 spare copies.

HIGH COURT

HACJ
&
GC.J

DATED 15-02-2010

ORDER

WAMP.NO. 303 OF 2010
IN
W.A.NO. 120 OF 2010

DIRECTION