



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 15324/2022
CNR: RJHC020821182022 | URN: CW / 30625U / 2022

Ankesh Kumar Meena S/o Kamlesh Meena, Aged About 21 Years,
R/o Village And Post Piloda, Tehsil Wazirpur, Distt.
Sawaimadhopur-322205 (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary,
Department Of Animal Husbandry, Govt. Of Rajasthan,
Secretariat, Jaipur.
2. The Director, Animal Husbandry Department, Govt. Of
Rajasthan, Jaipur, Rajasthan.
3. The Rajasthan Staff Selection Board, Jaipur Through
Secretary, State Agriculture Management Institution
Campus, Durgapura, Jaipur, Rajasthan.
4. Shyam University, Through Its Registrar, Lalsot, District
Dausa, Rajasthan 303511

-----Respondents

For Petitioner(s)	: Mr. Mahendra Shah, Senior Adv. Assisted by Mr. Akshit Gupta, Mr. Shreyansh Dhariwal, Ms. Pragya Seth, Mr. Naval Bansal, Mr. Pallav Pancholi, Mr. Kamlesh Sharma
For Respondent(s)	: Mr. Manoj Sharma, AAG, Mr. Abhishek Sharma, Mr. Vishal Kumar, for respondent Nos. 1 and 2. Mr. Narendra Singh Choudhary, Mr. Nikhil Pal Singh, for respondent No.3. Mr. M.M. Ranjan, Senior Adv., Assisted by Mr. Lokesh Tiwari, Mr. Samar Pratap, Ms. Shobha Sharma, Mr. Sunil Kumar Jain,



HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

Arguments concluded on ::: **September 18, 2026**
Reserved on ::: **September 18, 2026**
Pronounced on ::: **October 09, 2026**



1. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner being aggrieved by the action of the respondents in not including the petitioner in the list of finally selected candidates vide order dated 07.09.2022 for the recruitment to the post of Livestock Assistant pursuant to advertisement dated 11.03.2022, issued by the Rajasthan Staff Selection Board and so also the merit list dated 07.07.2022, wherein the name of the petitioner has not been included, though he has secured marks higher than the marks prescribed for the ST category. The petitioner is said to have not been included in the final select list on the count that he has passed the two years' Diploma in Animal Husbandry from a private University i.e. respondent No. 4-Shyam University.
2. The factual matrix of the case is that the petitioner obtained Diploma in Animal Husbandry programme from the Shyam University, Dausa, Rajasthan after being admitted in the year 2019 and the course was completed in 2021.
3. The respondent-Rajasthan Staff Selection Board issued an advertisement dated 11.03.2022 inviting applications from the eligible candidates for recruitment to the post of Livestock Assistant. The petitioner, treating himself to be the eligible candidate in view of the terms and conditions of the



advertisement and the relevant Service Rules, submitted application for the recruitment under the ST category. The petitioner is said to have secured 75.1012 marks, whereas the cut off marks for selection under the ST category was 73.412, meaning thereby the petitioner had secured the marks higher than the cut off marks for ST category. The respondent-Staff Selection Board issued the final result on 07.07.2022, wherein the name of the petitioner was not there and thereafter the respondent issued Office Order dated 07.09.2022 declaring the final select list, wherein also the name of the petitioner has not been included.

4. It is the plea of the respondents that the Shyam University from where the petitioner had obtained the Diploma in Animal Husbandry, is not authorized by the Government of Rajasthan for undertaking the two years' diploma course in Animal Husbandry and thus the diploma obtained by the petitioner from the Shyam University is not being treated as a valid qualification for recruitment to the post of Livestock Assistant.

5. Mr. Mahendra Shah, learned Senior Advocate, assisted by Mr. Akshit Gupta appeared for the petitioner and submitted that the Shyam Knowledge Park Shiksha Samiti, Jaipur has been allowed to run the University namely Shyam University, Lalsot, Dausa by promulgation of the Shyam University, Lalsot, Dausa Act, 2018 (for short, 'the Act of 2018'). He further submitted that as per the Universities Act, the Shyam University is authorized to undertake research and studies in the disciplines specified in Schedule-II, which also includes the Animal Husbandry and therefore the Shyam University is authorized to run the course of Diploma in Animal Husbandry and therefore the University cannot



take a plea that the Government of Rajasthan has not authorized the Shyam University to run the Diploma in Animal Husbandry.

Learned Senior Advocate further submitted that the Government has no power to say that Shyam University is not recognized. He also referred the letter dated 08.07.2021, issued by the Government of Rajasthan, Education Department and the public notice dated 19.03.2019 (Annexure-14) and so also public notice dated 15.07.2020 (Annexure-15).

6. Learned AAG appearing for the respondent-State referring the public notice dated 19.03.2019 and so also the provisions of Section 38 of the Act of 2018 submitted that the petitioner has not obtained the permission from the regulatory body i.e. the State Government for running the course of Animal Husbandry. He has also referred the regulations attached with the letter dated 30.04.2003, issued by the Animal Husbandry Department and submitted that the University was supposed to have prior permission/NOC from the Animal Husbandry Department for running the course of Diploma in Animal Husbandry. Referring the averments made in the reply to the writ petition, learned AAG has submitted that State Government has formulated a policy in 2022 for regulating the establishment for institutes for conducting Animal Husbandry Diploma and as per the said policy that every institute that desires to undertake Animal Husbandry Diploma course is required to obtain sanction/permission from the State Government. He submitted that the Shyam University has never obtained any permission/sanction from the State Government regarding running the course of Diploma in Animal Husbandry for the Session 2019-



21. Learned AAG also referred the letter dated 27.05.2019, issued by the Animal Husbandry Department, whereby certain institutes, on its desire, were allowed the permission to run the course of Diploma in Animal Husbandry. He further submitted that by the Rajasthan University of Veterinary and Animal Sciences, Bikaner, vide letter dated 07.06.2018, certain guidelines were issued for the institution for running the course of Diploma in Animal Husbandry and since the Shyam University was not having affiliation from the Rajasthan University of Veterinary and Animal Sciences, Bikaner for imparting the course of Diploma in Animal Husbandry without the sanction from the competent authority, the candidate who has obtained the Diploma cannot be treated to be a valid qualification for recruitment to the post of Livestock Assistant.

One of the submissions of the learned AAG is that a candidate cannot approach the Court for getting the Diploma of Animal Husbandry obtained from the Shyam University to be a valid qualification for recruitment to the post of Livestock Assistant and it is only the University which could have approached the Court to seek the validity of the certificates issued by it. Learned AAG has also referred the judgment dated 08.07.2020 passed by the Coordinate Bench in ***SBCWP No. 5798/2020; Sampat Pashudhan Sahayak Prashikshan Sansthan vs. State of Rajasthan & Ors.***

7. Learned Senior Advocate, Mr. M.M. Ranjan appeared for the respondent Shyam University and submitted that since the Act of 2010 authorizes and empowers the University to undertake the Certificate Course in 'Animal Husbandry', it is not required to have



approval from any other authority. He also adopted the submissions made by learned counsel for the petitioner.

8. Considered the submissions made by counsels for the respective parties and perused the material made available on record.

9. There is no dispute regarding the recruitment process for the post of Livestock Assistant for which the minimum qualifications have been prescribed.

As per the terms and conditions of the advertisement dated 11.03.2022 and the Rajasthan Livestock Subordinate Service Rules, 1977, for recruitment to the post of Livestock Assistant, a candidate is supposed to have the educational qualification as under:-

"1. Sr. Secondary with Physics, Chemistry and Biology or Horticulture (Agriculture), Animal Husbandry and Biology from the Boar of Secondary Education Rajasthan or its equivalent and

One year/two years training of Livestock assistant from any institution recognized by the Govt. of Rajasthan"

It is not in dispute that the petitioner is not having the qualification of Diploma in Animal Husbandry, but the only issue is that since the petitioner has obtained the Diploma in Animal Husbandry from the private University and the same is not recognized by the Government of Rajasthan as the Diploma course run by the University was without prior sanction approval of the State Government. The issue for consideration before this Court is whether the Diploma in Animal Husbandry obtained by the petitioner in the Session 2019-21 from Shyam University, Lalsot,



Dausa is a valid qualification for recruitment to the post of Livestock Assistant or not.

10. In pursuance to Clause 3 of Article 348 of the Constitution of India, His Excellency Governor was pleased to authorize the publication in the Rajasthan Gazette of the Shyam Vishwavidhyalaya, Lalsot, Dausa Adhiniyam, 2018 i.e. English translation of the same is The Shyam University, Lalsot, Dausa Act, 2018, which received the assent of His Excellency Governor on the 5th day of October, 2018.

11. The aims and object of the Act of 2018 is to keep pace with the rapid development in all spheres of knowledge in the world and the country and it is essential to create world level modern research and study facilities in the State. The beginning part of the Act also speaks that sufficiency of the infrastructure has been got enquired into by a committee, appointed in this behalf by the State Government consisting of the Vice-chancellor, Maharishi Dayanand Saraswati University, Ajmer, Commissioner, College Education, Government of Rajasthan, Jaipur, Director, Poddar Institute of Management, University of Rajasthan, Jaipur, Head, Department of Law, University of Rajasthan, Jaipur and Dean, Administration, Malviya National Institute of Technology, Jaipur. The beginning part of the Act of 2018 is quoted as under:-

"Whereas, with a view to keep pace with the rapid development in all spheres of knowledge in the world and the country, it is essential to create world level modern research and study facilities in the State to provide state of the art educational facilities to the youth at their door steps so that they can make out of them human resources compatible to liberalized economic and social order of the world;



And whereas, rapid advancement in knowledge and changing requirements of human resources makes it essential that a resourceful and quick and responsive system of educational research and development be created which can work with entrepreneurial zeal under an essential regulatory set up and such a system can be created by allowing the private institutions engaged in higher education having sufficient resources and experience to establish universities and by incorporating such universities with such regulatory provisions as ensure efficient working of such institutions;

And whereas, the Shyam Knowledge Park Shiksha Samiti, Jaipur is a Society registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) at Registration No. 823/Jaipur/2006-07, dated 27.2.2007 in the office of the Registrar, Societies, Jaipur is engaged in the field of education and running educational institutions for last several years;

And whereas, the said Shyam Knowledge Park Shiksha Samiti, Jaipur has set up educational infrastructures, both physical and academic, as specified in Schedule-I, at Village Dehlal, Tehsil Ramgarh Pachwara and Village Didwana, Tehsil Lalsot, District Dausa in the State of Rajasthan and has agreed to invest the said infrastructure in a University for research and studies in the disciplines specified in Schedule-II and has also deposited an amount of rupees one crore to be utilized in establishment of an endowment fund in accordance with the provisions of this Act;

And whereas, the sufficiency of the above infrastructure has been got enquired into by a committee, appointed in this behalf by the State Government consisting of the Vice-chancellor, Maharishi Dayanand Saraswati University, Ajmer, Commissioner, College Education, Government of Rajasthan, Jaipur, Director, Poddar Institute of Management, University of Rajasthan, Jaipur, Head, Department of Law, University of Rajasthan, Jaipur and Dean, Administration, Malviya National Institute of Technology, Jaipur;

And whereas, if the aforesaid infrastructure is utilized in incorporation as a University and the said Shyam Knowledge Park Shiksha Samiti, Jaipur is



allowed to run the University, it would contribute in the academic development of the people of the State;"

12. Section 4 of the Act of 2018 provides the object of University, which reads as follows:-

"4. The objects of the University.- The objects of the University shall be to undertake research and studies in the disciplines specified in Schedule-II and such other disciplines as the University may, with the prior approval of the State Government, determine from time to time and to achieve excellence and impart and disseminate knowledge in the said disciplines."

13. Section 5 of the Act of 2018 provides for powers and functions of the University which includes to provide for instruction in the disciplines specified in Schedule-II. The relevant part of Section 5 of the Act of 2018 is quoted as under:-

"5. Powers and functions of the University.- The University shall have the following powers and functions, namely:-

(a) to provide for instruction in the disciplines specified in Schedule-II and to make provisions for research and for the advancement and dissemination of knowledge;"

The Schedule-II as referred in Sub-Section (a) of Section 5 is quoted as under for ready reference:-

"SCHEDULE – II

Disciplines in which university shall undertake study and research:

1. Science and Technology
2. Advance Sciences
3. Pharmaceutical Sciences
4. Business and Management
5. Architecture and Planning
6. Nursing



7. Physiotherapy
8. Allied Health Sciences and Paramedical
9. Journalism and Mass Communication
10. Library Science
11. Education, Physical Education and Yoga
12. Hospitality, Catering and Food Technology
13. Fashion Technology
14. Film, Television and Theatre Technology
15. Humanities
16. Fire Safety and Hazard Management
17. Law
18. Animal Husbandry
19. Medical Sciences"

The Schedule also includes the Animal Husbandry discipline at Sl. No. 18, meaning thereby the University is authorized to run the courses in the disciplines as mentioned in Schedule-II appended to the Act which includes the discipline Animal Husbandry.

One of the provisions i.e. Section 38 of the Act of 2018, which is being relied by the respondents is quoted as follows:-

"38. University to follow rules, regulations, norms, etc. of the regulating bodies.-
Notwithstanding anything contained in this Act, the University shall be bound to comply with all the rules, regulations, norms, etc. of the regulating bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions."

14. The University Grants Commission, which is the highest body in India to regulate the Universities, had, vide letter dated 12.07.2019 (Annexure-11), said that the Shyam University, Lalsot, Dausa has been established by the Act of the State Legislature of Rajasthan as a Private University and is empowered to award degrees as specified under Section 22 of the UGC Act,



1956, through its main campus in regular mode and the University has been included in the list of Universities established as per Section 2(f) of the UGC Act, 1956.

The Shyam University has also revolved in its Board of Management Meeting, held on 27.12.2018 for imparting Diploma in Animal Husbandry programme with an intake of 100 seats. The Government of Rajasthan, Education Department, vide its letter dated 08.07.2021, has clarified the programmes run by the University and the said letter also speaks of sanction of Veterinary Discipline and it shows that the Shyam University, Lalsot, Dausa is competent to undertake research and study in the disciplines of Animal Husbandry.

Going by the provisions aims and object of the Act of 2018, Section 4, Section 5 and Schedule-II appended to the Act of 2018, the respondent No. 4-Shyam University is authorized to impart the Diploma in Animal Husbandry during the Session 2019-21.

15. The main submissions of the learned AAG is that in view of Section 38, the Shyam University was required to have a prior sanction/NOC from the regulating bodies i.e. State of Rajasthan, which is not there with the respondent University and therefore the Diploma certificates issued by the respondent University cannot be held to be valid qualification.

Section 38 of the Act speaks that the University shall be bound to comply with all the rules, regulations, norms etc. of the regulating bodies and provide all facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions. In the beginning part of the Act, there is



specific mention that the sufficiency of the infrastructure has been got enquired by a committee appointed in this behalf by the State Government consisting of the Vice-chancellor, Maharishi Dayanand Saraswati University, Ajmer, Commissioner, College Education, Government of Rajasthan, Jaipur, Director, Poddar Institute of Management, University of Rajasthan, Jaipur, Head, Department of Law, University of Rajasthan, Jaipur and Dean, Administration, Malviya National Institute of Technology, Jaipur and thereafter only the Act of 2018 has been enacted, meaning thereby a high level Committee has already adjudged the sufficiency of the infrastructure of the University.

16. Section 5 of the Act of 2018 provides that the University can run the course as given in Schedule-II which includes Diploma in Animal Husbandry. Section 38 only empowers that the University is bound to comply with the Rules and Regulations/Norms etc. of the regulating bodies.

17. In the reply to the writ petition, the respondents have come out with a case that policy of 2022 was framed for regulating the course of Diploma in Animal Husbandry, whereby an institution, which desires to run Diploma in course of Animal Husbandry, is required to have prior sanction of the State Government.

First of all the said policy was framed in the year 2022, whereas the petitioner has obtained the course of Diploma in Animal Husbandry in the Session 2019-21 i.e. prior to framing of the policy of 2022 and therefore the said policy will not be applicable in the case of the petitioner.



18. One of the submissions of the counsel for the respondents is that as per the regulations and policy of the Government, an institution which desires for running a course of Diploma in Animal Husbandry, is required to have prior approval of the Government.

On perusal of the Regulations and Policies placed on record, the Court finds that these Policies and Regulations are for those institutions which have not been authorized by any statutory body for running the course of Diploma in Animal Husbandry. In the present case the Shyam University is established under the Act of 2018, which specifically authorizes to run the course of Diploma in Animal Husbandry, so it cannot be said that the respondent University is also governed by the regulations and instructions for seeking approval from the Government. The State Government, being a regulating body, can only have a supervision over the courses being run by the University in view of the powers given under Section 38 of the Act of 2018 and the State Government can any time make an inspection whether the University is having sufficient infrastructure for running the said course or not or whether the University is fulfilling the guidelines as provided under the Act of 2018.

19. Learned AAG has also referred a letter dated 07.06.2018, issued by the Rajasthan University of Veterinary and Animal Sciences, Bikaner, but said Notification is applicable to the institutions which are affiliated to the University of Bikaner. Any notification issued by University of Bikaner cannot be made applicable on the respondent University which is constituted or being run under a particular Act of 2018 enacted by the State



Legislature and the said Act does not gives any authority to the University of Bikaner to control the courses being run by the respondent Shyam University.

Learned AAG has also referred the letter dated 27.05.2019, issued by the Animal Husbandry Department issuing approval to certain institutions for running the course of Diploma in Animal Husbandry and submitted that as like the other institutions, the respondent Shyam University ought to have the approval of the Animal Husbandry Department for running the said course.

On going through the letter dated 27.05.2019, the Court finds that all the institutions which were granted approval for running the course of Diploma in Animal Husbandry, none of them was a University established under the Act framed by the State Legislature or Central Legislature. The Respondent Shyam University is being run under the particular Act of 2018 enacted by the State Legislature and the said Act provides for all kind of terms and conditions for running the different courses.

The letter dated 27.05.2019 deals with those institutions which are not being run under a particular statute, but they are being run only with the prior permission of the State Government or Veterinary Department. Hence the plea of the learned AAG is not sustainable.

20. Learned AAG has also referred the judgment passed in the case of ***Sampat Pashudhan Sahayak Prashikshan Sansthan (supra)***. The said judgment also pertains to the institutions which runs only with the permission and approval of the State Government and not under a particular statute which deals with the conditions of their running.



The petitioner has obtained a diploma course from the Shyam University, which is established under the Act of 2018 which provides for complete functioning of the University including the running of courses. The case of the respondent Shyam University cannot be equated with the other institutions which are not established under a particular statute. As far as the Regulations and Policies framed by the Veterinary Department as placed on record by the respondent alongwith their reply is concerned, they are for the institutions of private sector which are being opened by the Veterinary Department for running the course of Diploma in Animal Husbandry. The respondent Shyam University is not an institution but it is a University established under the Act of 2018. It is not being opened by the Veterinary Department, and therefore the Policies which are being framed for the institutions opened by the Veterinary Department cannot be made applicable for the respondent Shyam University which is established under a particular Act enacted by the State Legislature but may have supervision in view of Section 38 of the Act of 2018.

21. In view of the aforesaid discussion, this Court can safely held that the Diploma in Animal Husbandry for the Session 2019-21 being imparted by the respondent Shyam University is in accordance with law and the validity of certificate of Diploma in Animal Husbandry for the Session 2019-21 from the Shyam University is just and proper and is a valid certificate for recruitment to the post of Livestock Assistant to be made by any recruiting/appointing authority.

22. The petitioner had applied for recruitment to the post of Livestock Assistant pursuant to advertisement dated 11.03.2022



and said to have secured 75.1012 marks which is higher than the cut off marks for the ST category i.e. 73.412 and the petitioner having secured the marks over and above the cut off marks under the ST category and holding the Diploma in Animal Husbandry from the Shyam University in the Session 2019-21 i.e. prior to the policy of 2022, is eligible and entitled to be included in the select list for the post of Livestock Assistant and deserves to be given appointment and the writ petition deserves to be allowed.

23. Accordingly, this writ petition is allowed.

24. The respondents are directed to include the name of the petitioner in the final select list and to give appointment to the petitioner on the post of Livestock Assistant pursuance to advertisement dated 11.03.2022 treating the qualification of Diploma in Animal Husbandry possessed by the petitioner from the Shyam University in the Session 2019-21 as a valid qualification subject to fulfilling all other conditions. The petitioner is held entitled for appointment from the date the candidate lower in merit to him has been given appointment and shall also be entitled for other consequential benefits including seniority and pay fixation and notional benefits etc. However he would not be entitled for actual benefits for the intervening period.

25. Pending application/s, if any, also stand/s disposed.

(GANESH RAM MEENA),J

Gaurav Srivastava/3-S