

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

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THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 31<sup>ST</sup> DAY OF MARCH 2022 / 10TH CHAITHRA, 1944

WP(C) NO. 1582 OF 2022

**PETITIONER:**

DR. C.P ABDUL KABEER  
AGED 59 YEARS, S/O K.I SAYED SHAIK KOYA,  
CHERIYAPURAKKAD HOUSE, KALPENI ISLAND,  
UNION TERRITORY OF LAKSHADWEEP- 682 557,  
NOW TEMPORARILY RESIDING AT PRESENT AT  
MALABAR HOUSE, WAYANAD ROAD, CIVIL STATION P.O,  
KOZHIKODE, PIN - 673 020.

BY ADVS.  
K.M.FIROZ  
AASHIQUE AKTHAR HAJJIGOTHI

**RESPONDENTS:**

- 1 UNION TERRITORY OF LAKSHADWEEP  
REPRESENTED BY ITS ADMINISTRATOR, KAVARATTI ISLAND,  
UNION TERRITORY OF LAKSHADWEEP - 682555, PIN - 682 555.
- 2 ADMINISTRATOR  
KAVARATTI ISLAND, UNION TERRITORY  
OF LAKSHADWEEP, PIN - 682 555.
- 3 SECRETARY OF DEPARTMENT OF FISHERIES, AGRICULTURE,  
ANIMAL HUSBANDRY,  
UNION TERRITORY OF LAKSHADWEEP, KAVARATTI ISLAND,  
UNION TERRITORY OF LAKSHADWEEP, PIN - 682 555.
- 4 DIRECTOR (ANIMAL HUSBANDRY)  
DIRECTORATE OF ANIMAL HUSBANDRY, KAVARATTI ISLAND,  
UNION TERRITORY OF LAKSHADWEEP, PIN - 682 555.

- 5 DISTRICT VETERINARY OFFICER  
ANIMAL HUSBANDRY (DP), KAVARATTI ISLAND,  
UNION TERRITORY OF LAKSHADWEEP, PIN - 682 555.
- 6 COLLECTOR  
UNION TERRITORY OF LAKSHADWEEP, 1ST FLOOR,  
COLLECTOR'S BLOCK, SECRETARIAT, KAVARATTI,  
LAKSHADWEEP, PIN - 682 555.
- 7 DISTRICT PANCHAYAT, LAKSHAWADEEP  
KAVARATTI, REPRESENTED BY ITS  
PRESIDENT CUM CHIEF COUNCILOR,  
KAVARATTI, LAKSHADWEEP, PIN - 682 555.
- 8 UNION OF INDIA  
REPRESENTED BY SECRETARY, DEPARTMENT OF ANIMAL  
HUSBANDRY AND DAIRYING, NEW DELHI, PIN - 110 001.
- 9 ANIMAL WELFARE BOARD OF INDIA  
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND  
DAIRYING, NIAW CAMPUS, 42 MILE STONEM DELHI -  
AGRA HIGHWAY, NH-2, BALLABHGARHM HARYANA- 121004,  
REPRESENTED BY ITS SECRETARY.
- 10 VETERINARY COUNCIL OF INDIA  
DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING,  
NEW DELHI , PIN - 110001,  
REPRESENTED BY ITS SECRETARY,
- 11 UNION PUBLIC SERVICE COMMISSION  
DHOLPUR HOUSE, SHAJAHAN ROAD,  
NEW DELHI, PIN - 110 069,  
REPRESENTED BY ITS SECRETARY.

BY ADVS.  
SAJITH KUMAR V.  
MANU S., ASG OF INDIA  
JAISHANKAR V.NAIR, CGC  
SHRI.THOMAS MATHEW NELLIMOOTTIL, SC UPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**JUDGMENT**

Dated this the 31<sup>st</sup> day of March, 2022

**S.Manikumar, C.J.**

Instant public interest litigation is filed seeking for the following reliefs:

- “i) to call for the records leading to and pursuant to Exhibits P2 to P10 and to direct the respondents to forthwith ensure uninterrupted and continuous availability and treatment services of qualified and registered Veterinary Physicians / Surgeons in all Animal Husbandry Units under the Administration of Union Territory of Lakshadweep either on temporary, transfer or permanent basis in all inhabited islands of Union Territory of Lakshadweep by issuing a writ of mandamus or any other appropriate writ, direction or order.
- ii) to declare that the respondents are bound to forthwith ensure uninterrupted and continuous availability and treatment services of qualified and registered Veterinary Physicians / Surgeons in all Animal Husbandry Units either on temporary, transfer or permanent basis in all inhabited islands of Union Territory of Lakshadweep by the Administration of Union Territory of Lakshadweep.”

2. Shorts facts leading to the filing of the writ petition are as hereunder:

2.1. The petitioner seeks to espouse the emergent necessity for engaging veterinary doctors in some manner by the Administration of Union Territory of Lakshadweep for medical and health care of animals, birds etc in the inhabited and isolated islands of Lakshadweep since the Veterinary doctors, who were engaged by the Administration, have been disengaged without any reason and there is no one to attend the medical needs. Some animals are suffering from severe pain and hardship due to lack of doctors for treatment.

2.2. At present there are no Veterinary doctors engaged by the Administration in nine out of ten inhabited islands of Union Territory of Lakshadweep (i.e. except Kavaratti Island). The inaction by the Administration to make alternative arrangements to engage Veterinary doctors is clearly against the non-human rights and animal rights as well as fundamental and legal rights of the inhabitants. The casual approach in disengaging and not making alternative arrangements has resulted in lack of medical care, emergency

care, surgical care, gynecology and dystokia care as well as vaccination and breeding facilities to the animals, birds etc.

2.3. Lack of medical care to non-humans in turn affects health of human beings resulting in contagious and other diseases to human beings and amounts to violation of fundamental right to proper health care of inhabitants and citizens enshrined under Articles 21 and 14 of the Constitution of India. The rights of islanders and inhabitants to have their pets and animals treated with adequate facilities is a part of their fundamental and legal right to have medical care and health. The threat of entry of avian influenza (Bird Flu) and other animal/bird diseases and possibility of transmission of contagious diseases including rabies, anthrax, foot and mouth diseases, poultry diseases, Nippa or corona to inhabitants also cannot be ruled out. It infringes the legal rights of the inhabitants.

3. Respondents 1 to 7 have filed a statement dated 29.03.2022. Relevant portions of the same are as under:

“3. It is humbly submitted that the Department of Animal Husbandry (4<sup>th</sup> Respondent herein) had earlier engaged

Veterinary Assistant Surgeons on contract basis with fixed remuneration under State Schemes. The said engagements were terminated on the completion of one year, the stipulated period in the contract. It is also pertinent to see that the Department had submitted the proposal to implement the Centrally Sponsored Scheme known as "**Livestock Health And Disease Control**", i.e., Mobile Veterinary Unit Scheme sponsored by the Ministry of Fisheries, Animal Husbandry & Dairying, Government of India. The said Scheme is fully funded by the Government of India through grants to the Union Territories and also includes a Sub Scheme for establishment of a call Centre at Kavaratti. It is also submitted that 9 Veterinary Assistant Surgeons, Para Veterinary Staff and Driver-cum-Attenders will be engaged on contract basis under the aforesaid scheme. It is also duly submitted that Mobile Veterinary units (9 in Nos.) shall be established in all the inhabited Islands and that the Department is expecting the approval of the Competent Authority in connection with the same at the earliest.

4. It is humbly submitted that the Department has also initiated action for appointment of Veterinary Assistant Surgeons on regular basis. The requisition In this regard was submitted to the UPSC. The UPSC had notified the vacancies therein and shortlisted the candidates. The challenge against shortlisting of the candidates came up before the Hon'ble Central Administrative Tribunal and the further proceedings will be subject to the outcome of the Original Application.

5. Hence, In the above circumstances, it is humbly submitted

that the appointment of Veterinary Assistant Surgeons are under process. In the meanwhile, the 4<sup>th</sup> Respondent Department is also attempting for appointment of Veterinary Assistant Surgeons on contract basis under the above said Scheme sponsored by the Government of India.”

4. Material on record discloses that on the expiry of the contract period, services of the Veterinary Assistant Surgeons in Kavaratti, Androt, Minicoy, Kadmat, Kiltan, Kalpeni and Amini Islands have been disengaged, vide Exhibits P3, P4 and P5 orders dated 23.09.2021, 06.10.2021 and 30.12.2021 respectively by the Director, Directorate of Animal Husbandry, Lakshadweep Administration. The said orders read thus:

“GOVT. OF INDIA  
LAKSHADWEEP ADMINISTRATION  
DIRECTORATE OF ANIMAL HUSBANDRY  
Kavaratti Island – 682555

FNO.1/1/2008-AH/482

Dated: 23.09.2021

OFFICE ORDER

Sub: Directorate of Animal Husbandry – Engagement of VAS on Contract – Disengagement order issued – reg.

Ref: This Office order F.No.1/1/2008-AH(Part-I) dated 07.04.2020 and 02.09.2020.

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The following Veterinary Doctors were engaged as

Veterinary Assistant Surgeon on contract basis, vide reference cited above.

1. Dr.Nabeel Kunnampalli of Kiltan (VAS, AH Unit, Kavaratti).
2. Dr.Rameesa Valiyakolikat Mubarak Manzil of Androt (VAS, AH Unit, Androt).
3. Dr.Ramziya Pattanakkad of Kavaratti (VAS, AH Unit, Minicoy).
4. Dr.Saleena Thunchanparambil of Kiltan (VAS, AH Unit, Kadmat).

The contract period of all the above Veterinary Assistant Surgeons have already been expired and the Competent Authority is hereby directed to relieve them wef. the afternoon of 23.09.2021. Therefore, all the Unit incharges are directed to ensure their relive accordingly and further directed that the payment of remuneration will be allowed only up to 23.09.2021 AN.

This has the approval of Competent authority vide diary No.1008 dated 20.09.2021.

Sd/-  
(Dr.M.I.Koya)  
Director (Animal Husbandry)"

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"GOVT. OF INDIA  
LAKSHADWEEP ADMINISTRATION  
DIRECTORATE OF ANIMAL HUSBANDRY  
Kavaratti Island – 682555

FNO.1/1/2008-AH

Dated: 06.10.2021

OFFICE ORDER

Sub: Directorate of Animal Husbandry – Engagement of VAS on Contract – Disengagement order issued – reg.  
Ref: This Office order of even number dated 10.11.2020.

The following Veterinary Doctors were engaged as



Veterinary Assistant Surgeon on contract basis, vide reference cited above.

1. Dr.M.K.Thoufeera, Moopana Kadiyoda of Kiltan.
2. Dr.Beegum Farhana, Fathima Manzil of Kalpeni.

The contract period of all the above Veterinary Assistant Surgeons have already been expired and the Competent Authority is hereby directed to relieve them wef. the afternoon of 06.10.2021. Therefore, all the Unit incharges are directed to ensure their relieve accordingly and further directed that the payment of remuneration will be allowed only up to 06.10.2021 AN.

This has the approval of Competent authority vide diary No.1092 dated 06.10.2021.

Sd/-  
(Dr.M.I.Koya)  
Director (Animal Husbandry)"

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"GOVT. OF INDIA  
LAKSHADWEEP ADMINISTRATION  
DIRECTORATE OF ANIMAL HUSBANDRY  
Kavaratti Island – 682555

FNO.1/1/2008-AH/773

Dated: 30.12.2021

OFFICE ORDER

Sub: Directorate of Animal Husbandry – Engagement of VAS on Contract – Disengagement order issued – reg.

Ref: This Office order F.No.1/1/2008-AH dated 30.06.2021

The following Veterinary Doctor(s) were engaged as Veterinary Assistant Surgeon on contract basis, vide reference cited above.

1. Dr.Ziyavul Haq, Cheriappada of Agatti Island.

With reference to the above office order, the Contract period of all the above Veterinary Assistant Surgeon have

already been expired and hence the Officer is stand relieved from contract appointment with effect from the afternoon of 30.12.2021. The payment of remuneration will be allowed only up to 30.12.2021 afternoon.

Sd/-  
(Dr.K.K.Akbar)  
Director (Animal Husbandry)"

5. As rightly contended by Mr.K.M.Firoz, learned counsel for the petitioner, treatment to the birds and animals have not been taken care of from 23.09.2021. Certainly, lack of medical care would affect their health.

6. Though respondents 1 to 7 have contended that there is a proposal to implement the Centrally Sponsored Scheme known as "Livestock Health And Disease Control", i.e., Mobile Veterinary Unit Scheme sponsored by the Ministry of Fisheries, Animal Husbandry & Dairying, Government of India, funded by the Government of India and further submitted that 9 Veterinary Assistant Surgeons, Para Veterinary Staff and Driver-cum-Attenders will be engaged on contract basis under the aforesaid scheme, the fact remains that as on today there is no treatment to the birds and animals. Though the proposal is also submitted to the UPSC for regular

appointment of Veterinary Surgeons, accordingly a notification has been issued and shortlisting done, the same has been challenged before the Central Administrative Tribunal.

7. During the course of hearing, submission has been made that the selection process is underway. However, respondents 1 to 7 have also contended that the Director (Animal Husbandry), respondent No.4, is also attempting for appointment of Veterinary Assistant Surgeons on contract basis under the above said scheme sponsored by the Government of India.

8. Having regard to the plight of the birds and animals without getting any treatment as evidenced from Exhibits P3, P4 and P5 office orders and the representations dated 30.09.2021, 09.10.2021 and 06.10.2021 submitted by the petitioner, we direct the Director (Animal Husbandry), respondent No.4, to initiate and finalise the appointment of the above said surgeons and staff on contract basis under the above said scheme by utilising the fund, within three weeks

from the date of receipt of a copy of this judgment. Sufficient allocation and permission be granted by the competent authority, if not done earlier.

9. During the course of hearing, it is also submitted by the learned counsel for the petitioner that there are two veterinary surgeons working in Kavaratti Island. Taking note of the time likely to be consumed in finalising the appointment on contract basis, Lakshadweep Administration is directed to explore the possibility of deputing the said doctors to inhabited Islands or even permit any NGO or qualified veterinary surgeons to provide treatment in such inhabited areas, under supervision.

With the above directions, writ petition is disposed of.

Pending interlocutory applications, if any, shall stand closed.

Sd/-

**S.Manikumar  
Chief Justice**

Sd/-

**Shaji P.Chaly  
Judge**

APPENDIX OF WP(C) 1582/2022

**PETITIONER EXHIBITS**

- Exhibit P1 A TRUE COPY OF THE JUDGMENT DATED 6-4-2015 IN WP (C) NO 10196 OF 2015 PASSED BY THE HONURABLE HIGH COURT OF KERALA.
- Exhibit P2 A TRUE COPY OF RELEVANT PORTION OF THE ADVERTISEMENT NO 03/2020 PUBLISHED BY UPSC INVITING ONLINE RECRUITMENT APPLICATION IN RESPECT OF VACANCY NO 20020313108.
- Exhibit P3 TRUE COPY OF THE ORDER F NO 1/1/2008-AH/2482 DATED 23-9-2021 ISSUED BY THE DIRECTOR (ANIMAL HUSBANDRY).
- Exhibit P4 TRUE COPY OF THE ORDER F NO 1/1/2008-AH DATED 6.10.2021, ISSUED BY THE DIRECTOR (ANIMAL HUSBANDRY).
- Exhibit P5 TRUE COPY OF OFFICE ORDER F.NO.1/1/2008-AH/773 DATED 30-12-2021 ISSUED BY DIRECTOR (ANIMAL HUSBANDRY).
- Exhibit P6 A TRUE COPY OF THE COMMUNICATION RECEIVED BY THE PETITIONER DATED 3-1-2022 BEARING FNO4/8/2016-AH(RTI)/5 FROM THE OFFICE OF THE DIRECTOR (ANIMAL HUSBANDRY).
- Exhibit P7 TRUE COPY OF REPRESENTATION DATED 30-9-2021 SUBMITTED BY THE PETITIONER FROM HIS EMAIL ID INNEKABEER2011@GMAIL.COM BEFORE THE THIRD RESPONDENT SECRETARY (DEPARTMENT OF ANIMAL HUSBANDRY), LAKSHADWEEP THROUGH E-MAIL.
- Exhibit P8 TRUE COPY OF THE REPRESENTATION DATED 9.10.2021 SUBMITTED BY THE PETITIONER FROM HIS EMAIL ID INNEKABEER2011@GMAIL.COM TO THE 4TH RESPONDENT DIRECTOR (ANIMAL HUSBANDRY), LAKSHADWEEP THROUGH E-MAIL.

- Exhibit P9 TRUE COPY OF REPRESENTATION DATED 6-10-2021 SUBMITTED BY THE PETITIONER FROM HIS EMAIL ID INNEKABEER2011@GMAIL.COM TO THE SECRETARY OF THE VETERINARY COUNCIL OF INDIA, DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING, NEW DELHI.
- Exhibit P10 TRUE COPY OF THE ADVISORY DATED 28-6-2021 ISSUED BY THE CHAIRMAN OF THE ANIMAL WELFARE BOARD OF INDIA BEARING NO 3-1/2002-22/PCA.
- Exhibit P11 A TRUE COPY OF THE NOTIFICATION DATED 4-9-2021 ISSUED BY THE SECRETARY OF ANIMAL HUSBANDRY, LAKSHADWEEP ADMINISTRATION BEARING DOF NO 22/01/2017-AH(STAT)/404 REGARDING ILLEGAL VETERINARY PRACTICE.

*//true copy//*

P.A. to Judge