

Court No. - 10

Case :- WRIT - C No. - 37603 of 2023

Petitioner :- Maa Gayatri Institute Of Pharmacy And Paramedical Sciences

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajni Ojha, Pavan Kishore

Counsel for Respondent :- C.S.C, A.S.G.I., Vaibhav Tripathi

Hon'ble Kshitij Shailendra, J.

1. Heard Ms. Rajni Ojha, learned counsel for the petitioner, Shri I.P. Srivastava, learned Additional Chief Standing Counsel for respondent nos.1 and 2 and Shri Vaibhav Tripathi, learned counsel for respondent nos.3 and 4.

2. The petitioner Institution wants to run Diploma in Pharmacy Course with an intake of 60 students and for that purpose, necessary requirement is that first of all, approval from Pharmacy Council of India is to be obtained and thereafter, through online application process, the Institution has to apply before the respondent no.2-Board of Technical Education, Guru Govind Singh Marg, Bans Mandi Chauraha Charbagh, Lucknow through its Secretary and it is only after respondent no.2 grants affiliation, the concerned course can be allowed to run.

3. The submission of Ms. Ojha is that Pharmacy Council of India granted approval to the petitioner-Institution in September 2023 and the petitioner's online application dated 02.09.2023 disclosing full particulars is still pending before respondent no.2 and unless affiliation is granted by the respondent no.2, the petitioner Institution cannot run the course. Further submission is that as counselling process is going on and admissions have to take place

in the month of December 2023 and the matter is quite urgent, necessary directions may be issued by this Court to the respondent-Board.

4. Shri I.P. Srivastava, learned Additional Chief Standing Counsel submits that grant of affiliation is step-by-step process and necessary formalities have to be completed at the level of the Board which may consume sometime. However, he does not dispute that unless affiliation is granted, the Institution would not be allowed to admit students.

5. Considering the facts and circumstances of the case and the strict time schedule in relation to the Session 2023-2024, for which, affiliation is required, the writ petition is being **disposed off** in the following terms:-

(a). The petitioner shall serve a self-attested downloaded copy of this order in the office of respondent no.2-Board of Technical Education, Guru Govind Singh Marg, Bans Mandi Chauraha Charbagh, Lucknow through its Secretary within **three days from today;**

(b). The respondent no.2 shall take immediate steps for necessary verification and shall complete the exercise and after providing full opportunity of hearing to the petitioner shall take a decision on the question of affiliation for the Session 2023-2024 **by the end of November 2023 itself;**

(c). In case there is no factual or legal impediment in grant of affiliation, affiliation shall be granted, however, if there are certain impediments, the same shall be clearly spelt out in the order to be passed by the respondent no.2 within the time limit fixed under

this order.

Order Date :- 8.11.2023

Jyotsana