

Court No. - 7

Case :- WRIT - C No. - 10851 of 2023

Petitioner :- Vardan Institute Of Pharmacy, Unnao Thru.
Manager/ Trustee Prasoon Dixit And Another

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of
Technical Educataion, Lucknow And Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C.,D.K. Singh Chauhan,Ravi
Singh

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioners, Shri Vivek Shukla, learned Additional Chief Standing counsel appearing for respondent no.1 & 2, Shri D.K. Singh Chauhan, learned counsel for the respondent no.4 and Shri Ravi Singh, learned counsel appearing for respondent no.3.

2. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.

3. The instant petition is being filed for the following reliefs:

"(i) To issue a writ, order or direction in the nature of mandamus commanding the respondent to provide affiliation to the petitioners Institution for running the D.Phrama course for the education session 2023-24 as approval has already been granted by the Pharmacy Council of India, New Delhi expeditiously as early as possible within a period of 3 days.

(ii) To issue a writ, order of direction in the nature of mandamus commanding the respondents to include the name of the petitioners Institution for the counselling of D.Pharma course which is being proposed w.e.f. 16.12.2023 for the education session 2023-24.

(iii) To issue a writ, order or direction in the nature of mandamus commanding the respondents to extend the benefit of the judgment and order dated 27.09.2023 passed by this Court in Writ C No.8389 of 2023 in Re: HMS College of Pharmacy, Bulandsahar and others Vs. State of U.P. and Others) to the petitioners also.

(iv) To issue a writ, order or direction in the nature of certiorari thereby quashing the counselling scheduled published on 05.12.2023 in the daily newspaper Amar Ujala so far it relates to the only 23 Institutions."

4. There is a consensus at the Bar that the matter is primarily covered by the judgment of this Court passed in bunch of petitions the leading being **Writ C No.8384 of 2023 in Re: HMS College of Pharmacy, Bulandsahar and Another Vs. State of U.P. and Others** decided on 27.09.20223, a copy of which is annexure 19 to the petition.

5. However, Shri Vivek Shukla, learned Additional Chief Standing counsel appearing for respondent nos.1 & 2 states that the aforesaid judgment has been challenged by the State by filing **Special Appeal No.504 of 2023 in re: State of U.P. and Others Vs. H.M.S. College of Pharmacy and others** in which the Division Bench has passed an order dated 13.12.2023 providing that as far as the general direction of the writ Court is concerned (dated 27.09.2023) to give benefit of the judgment to similarly situated colleges, it was provided that such colleges, if they so desire, may take appropriate steps by filing the separate petitions.

6. Shri Vivek Shukla, contends that as now the matter is subjudice before the Division Bench of this Court, as such no order be passed by this Court pertaining to the reliefs as have been prayed for by the petitioners.

7. Responding to that, Shri Ajay Pratap Singh, learned counsel for the petitioner states that in pursuance to the order of this Court dated 27.09.2023 passed by writ Court in the case of **HMS College of Pharmacy (supra)**, the respondent no.2 has granted temporary affiliations to various Institutions vide order dated 30.11.2023 and as such the said benefit may also be

extended to the petitioners.

8. Accordingly, considering the judgment of this Court passed in the case of HMS College of Pharmacy (supra) and also the fact that the matter is now subjudice before the Division Bench of this Court in Special Appeal No.504 of 2023 and the order of Division Bench dated 13.12.2023 passed in the aforesaid special appeal whereby the colleges, if they so desire, were required to take appropriate steps by filing separate petitions and the instant petition has been filed and further, the respondent no.2 has also granted temporary affiliation to the Institution vide order dated 30.11.2023, the instant petition is **disposed of** providing that the benefit of the judgment of this Court in the case of **HMS College of Pharmacy (supra)** shall also be extended to the petitioners as also the benefit of the order dated 30.11.2023 whereby the Institutions have been granted temporary affiliations and also permitted for counselling provisionally, which would obviously be in accordance with law, the rules and the regulations.

9. It goes without saying that the order passed would be subject to the final decision of the Special Appeal No.504 of 2023.

Order Date :- 14.12.2023

S. Shivhare