

Court No. - 7

Case :- WRIT - C No. - 10947 of 2023

Petitioner :- Shri Rawatpura Sarkar Institute Of Pharmacy,
Jhansi Thru. Dharmendra Kumar Tiwari

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

Counsel for Petitioner :- Ashutosh Singh, Aviral
Chandra, Vartika Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin, J.

1. Heard Shri Ashutosh Singh, learned counsel for the petitioner.
2. At the very outset learned counsel for the petitioner prays for and is permitted to implead Pharmacy Council of India, New Delhi through its Secretary as respondent no.3.
3. Notice on behalf of respondent no.3 has been accepted by Shri Ravi Singh.
4. Shri D.K. Singh Chauhan, learned counsel states that he appears on behalf of respondent no. 2 yet a copy of the writ petition has not been served upon him.
5. Learned counsel for the petitioner states that a copy of the petition would be served on Shri D.K. Singh Chauhan within 24 hours.
6. Heard Shri Ashutosh Singh, learned counsel for the petitioner, Shri Vivek Shukla, learned Additional Chief Standing counsel appearing on behalf of the respondent nos.1, Shri D.K. Singh Chauhan, learned counsel for the respondent no.2 as well as Shri Ravi Singh, learned counsel appearing for the respondent no.3.
7. With the consent of learned counsel appearing for the

contesting parties, the writ petition is being finally decided.

8. The contention of learned counsel for the petitioner is that the petitioner Institution had participated in the earlier round of counselling which was held from 25.09.2023 to 30.10.2023 which has now been cancelled under the directions of the High Court in **Writ C No.8389 of 2023 in Re: HMS College Of Pharmacy, Bulandsahar Thru. President Himanshu Sharma And Another Vs. State of U.P. and Others** vide judgment and order dated 27.09.2023, and a fresh round of counselling is scheduled to commence from 16.12.2023.

9. The contention is that in earlier counselling the petitioner failed to deposit the seat acceptance-cum-security fee due to bank holidays yet now as the earlier counselling has been cancelled and a fresh round of counselling has been scheduled, as such the petitioner be permitted to deposit the fee which he could not deposit earlier on account of the circumstances indicated in the petition.

10. The aforesaid contention of learned counsel for the petitioner is patently misconceived in as much as once the earlier counselling stand cancelled in view of judgement of this Court in the case of **HMS College of Pharmacy (Supra)**, consequently there is no occasion for deposit of seat acceptance-cum-security fee.

11. However considering that the fresh round of counselling is scheduled to be held on 16.12.2023, the petitioner is permitted to participate in the said counselling in accordance with law, relevant rules and regulations governing the same.

12. The writ petition is **disposed of**.

Order Date :- 15.12.2023/S. Shivhare