Court No. - 19

Case :- WRIT - C No. - 11263 of 2023

Petitioner :- C/M, Bhagwan Devi Institute Of Pharmacy, Rampur Thru. Admin. Sri Neeraj Kumar Nigam And Others
Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of Technical Education, Lucknow And Others
Counsel for Petitioner :- Rajat Rajan Singh
Counsel for Respondent :- C.S.C.,D.K. Singh Chauhan,Ravi Singh

Hon'ble Jaspreet Singh,J.

A mention was made in the morning at the time when the Court had assembled seeking permission for taking up of the matter today itself which relates to Counseling of Course of D. Pharma between 16.12.2023 to 26.12.2023 and it has further been submitted that since there were certain orders which were passed by the Division Bench of this Court recently in pursuance whereof the matters are being entertained by the Court and orders have been passed and the petitioners being similarly situated, hence, their petitions may be taken up today on account of the aforesaid circumstances giving rise to urgency.

The Court had permitted for taking up of the matter today itself and in view thereof, the matter has been placed before the Court.

Heard learned counsel for the petitioner, learned Standing Counsel appearing on behalf of the respondents no. 1 & 2, Sri D.K.Singh Chauhan, learned counsel appearing on behalf of the respondent no.4 and Sri Ravi Singh, learned counsel appearing on behalf of the respondent no.3.

At the very outset, Shri Rajat Rajan Singh, learned counsel for the petitioner submits that he does not wish to press the instant petition insofar as the petitioner No.14 is concerned inasmuch as it does not have the approval from Pharmacy Council of India.

In view of the aforesaid, the petition is being considered only for the petitioners No.1 to 13 and the petition shall be considered to be not passed insofar as the petitioner No.14 is concerned.

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

There is consensus at bar that the matter in issue is squarely covered by the judgment of this Court passed in **Writ-C No. 10851 of 2023 Inre; Vardan Institute Of Pharmacy, Unnao Thru. Manager/ Trustee Prasoon Dixit And Anr Vs. State of U.P and Ors**, decided on 14.12.2023.

Accordingly taking into consideration the aforesaid consensus, the present petition is disposed of in light of the aforesaid judgment passed in the case of **Vardan Institute Of Pharmacy, Unnao (supra)**.

It is provided that the petitioner would also be entitled for the benefit of the judgment of **Vardan Institute Of Pharmacy, Unnao** (supra).

It is further provided that since the date for choice of filling for all colleges has lapsed, accordingly, the respondents No.3 and 4 shall extended the date to accommodate the petitioner and it is made clear that this indulgence is granted as a last resort. It may not be considered any further for if such petitions are entertained at the asking then it would amount to on ongoing trickle which may lead to situation where the counseling may not be finalized.

The protection and indulgence granted shall be subject to the final decision in Special Appeal No.504/2023.

With the aforesaid, the petition is **disposed of**.

Order Date :- 19.12.2023
Rakesh/-

Digitally signed by :-
RAKESH PRAJAPAT
High Court of Judicature at Allahabad,
Lucknow Bench