

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 25217 of 2015 (B)

PETITIONER(S):

**SHAHEEL H., AGED 23 YEARS,
S/O.HABEEB RAHMAN, HABEEB MANZIL, THOTTAKKARA,
OTTAPALAM - 679 102.**

**BY ADVS.SRI.R.SREEHARI
SRI.M.V.SURESH (KANNUR)
SRI.V.K.SREEJITH**

RESPONDENT(S):

- 1. KERALA STATE PHARMACY COUNCIL,
M N V G ADIYODI MEMORIAL PHARMACY BHAVAN,
P H LAB CAMPUS, THIRUVANANTHAPURAM - 695 035,
REPRESENTED BY ITS REGISTRAR.**
- 2. THE REGISTRAR,
KERALA STATE PHARMACY COUNCIL, M N V G ADIYODI
MEMORIAL PHARMACY BHAVAN,
P H LAB CAMPUS, THIRUVANANTHAPURAM - 695 035.**

BY ADV. SRI.P.B.SAHASRANAMAN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25217 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. PHOTO COPY OF THE DIPLOMA CERTIFICATE ISSUED BY THE
DIRECTORATE OF MEDICAL EDUCATION, CHENNAI.**

**EXHIBIT P2. PHOTO COPY OF THE RECEIPT FOR REGISTRATION OF PHARMACIST
ISSUED BY THE 1ST RESPONDENT DATED 11.7.14.**

**EXHIBIT P3. PHOTO COPY OF THE COMMUNICATION DATED 11.7.14 ISSUED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

**EXT.R1(a): TRUE PHOTOSTAT COPY OF THE LETTER NO.PR/7059/2014/KPC
DTD.3.12.2014 ISSUED TO THE PHARMACY COUNCIL OF INDIA.**

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.25217 of 2015

Dated this the 12th day of October, 2015

JUDGMENT

The petitioner completed Diploma in Pharmacy Course in the Coimbatore College of Pharmacy, Erode. Ext.P1 is the certificate issued to the petitioner on completion of the course. The petitioner approached the first respondent for issuance of Pharmacy registration certificate. The petitioner has approached this Court on account of non-consideration of his request for registration.

2. In this matter, a counter affidavit has been filed on behalf of respondents. It is stated in paragraph-4, which reads as follows:

“In view of the above circumstances since the petitioner and others seems to have studied the course from the very same college, their application for registration as Registered Pharmacist were sent for verification. The 1st respondent appointed Pharmacy Inspector, Sri.Shibu Robert to enquire and file a report pertaining to their applications vide Letter No.P5-6947/2014/KPC dated 29.07.2014 and P5/169/2014/KPC dated 3.1.2014. After conducting a detailed enquiry, he reported that none of the applicants including the petitioner in writ petition have attended the classes regularly

and they were always seen in their native place and vicinity during this period. The locals were totally unaware that these applicants have done such a course in Coimbatore. When the Inspector questioned some of the applicants they have admitted that they had only attended few days in classes but they wrote the examination by themselves. And when they questioned by the Inspector about the subject knowledge they were poorly performed.”

3. Apparently, it appears that for the reason of substandard of the education imparted in the College, the respondents refused to issue registration. It is also seen that the respondents have already requested the Pharmacy Council of India to take necessary action against the College.

This Court is of the view, it is a matter now to be decided by the Pharmacy Council of India for disapproving the Course. However, it cannot affect the right of the persons who have already passed out. In such circumstances, this Court is of the view, without prejudice to the right of the competent authority to disapprove the Course imparted by the above Institution, the petitioner's request for registration shall be considered without any delay.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE