

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.3171 of 2012 (O&M)
Date of Decision:28.01.2016

Jaswinder Singh and others

. . . .Petitioners

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Kapil Kakkar, Advocate,
for the petitioners.

Mr.Suresh Singla, Addl. A.G. Punjab.

Mr.S.S. Kang, Advocate,
for respondents No.2 & 3.

Mr.Ashok K. Sharma, Advocate, for
Mr.S.K. Sharma, Advocate,
for respondent No.4.

Mr.Indresh Goel, Advocate,
for respondent No.5.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 17.5.2011 passed by respondent No.5 i.e. Punjab State Pharmacy Council, by which the petitioners were informed that the Diploma/Degree of D.Pharma Course from Guru Kashi College, Damdama Sahib, Bathinda has not been approved so far under Section 12 of the Pharmacy Act, 1948 [for short 'the Act'] by the Pharmacy Council of

India, New Delhi and as such their case for registration as Pharmacists cannot be considered.

In short, petitioners No.1 to 3 joined the 1992-93 batch whereas, petitioners No.4 & 5 joined the 1991-92 batch of Diploma in Pharmacy (2 years course) in Guru Kashi College, Damdama Sahib, Bathinda, affiliated with the Punjabi University, Patiala. Their grievance is that though they have completed their course yet are not allowed so far to be registered with the Pharmacy Council of India in spite of the fact that they have been given the degrees by the University.

Notice of motion was issued in this case only to respondents No.4 & 5, namely, Pharmacy Council of India and Punjab State Pharmacy Council. The Pharmacy Council of India (respondent No.4) has replied that for the purpose of registration as Pharmacists under the Act, a candidate should have passed the Diploma or Degree in Pharmacy from an institution, which is approved under Section 12 of the Act. 'Diploma in Pharmacy' is a two year course after 10+2, followed by 500 hours practical training spread over a period of not less than three months and 'Degree in Pharmacy' is a four year course after 10+2. The registration of Pharmacists is done by the State Pharmacy Councils under Section 19 of the Act but in the present case, admittedly, the institution from which the petitioners have completed their course of Pharmacy has not been approved under Section 12 of the Act, therefore, the question of registration does not arise. It is also averred that in the year 1995 some similarly situated students had filed CWP No.14172 of 1995, seeking the same relief, which was disposed of on

31.10.1995 with a direction to decide their representation, which was rejected on 02.05.1996. They again filed CWP No.14558 of 1995 to challenge the rejection order but ultimately the said petition was also dismissed on 15.12.1997 by this Court by a detailed judgment and no steps have been taken by the institution, namely, respondent No.3.

I have heard learned counsel for the parties and after examining the relevant record, am of the considered opinion that the case of the petitioners is similar to those other students, who had already lost in this Court, only because of the reason that respondent No.3-Institute from where they have passed their course of Pharmacy has not been approved in terms of Section 12 of the Act.

In view thereof, I do not find any merit in the present petition and the same is hereby dismissed.

28.01.2016*Vivek***(RAKESH KUMAR JAIN)
JUDGE**