

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7464 OF 2014

1. Pratiksha d/o Prasadrao Deshmukh,
Age: 26 years, Occu. Student,
R/o : Laxmi Clinic, Newasa,
Tq. : Newasa, Dist. Ahmednagar.
2. Bhagyashri d/o Shankar Pankhede,
Age: 24 years, Occu. Student,
R/o: B.No. 23, Room No. 304,
Santosh Nagar, Goregaon (E)
Sppl, Near Mantri Park,
Mumbai.
3. Bhavana d/o Vilas Madkar,
Age: 23 years, Occu. Student,
R/o : Nagar Parishad Colony,
Georai, Tq. Georai, Dist. Beed.

...PETITIONERS

versus

1. The State of Maharashtra
through its Principal Secretary,
Higher and Technical Education
Department Government of
Maharashtra, Mantralaya,
Mumbai – 400 032.
2. Damini Bahuuddeshiya Sevabhavi
Education Society's College of Pharmacy,
Ambejogai, Ring Road, Opp. Yogeshwari
Nagari, Tq. Ambajogai, Dist. Beed
Through its Secretary
3. All India Council for Technical Education
7th Floor, Chanderlok Building
Janpath, New Delhi- 110 001.
4. AICTE- Western Regional Office,
Industrial Assurance Bldg.,
2nd Floor, V.N. Road, Churchgate,
Mumbai – 400 020.

5. Directorate of Technical Education,
Maharashtra State, Mumbai 3,
Mahapalika Marg, Post Box No. 1967,
Mumbai – 400 001.
6. Maharashtra State Board of Technical
Education, Mumbai (Autonomous)
49, Kherwadi, Bandra (E),
Mumbai 400 051.
7. Dy. Secretary,
Maharashtra State Board of Technical
Education Region Office, Osmanpura,
Aurangabad- 431 005.
8. Pharmacy Council of India,
Combined Council's Building Kotla
Road, Aiwan -E- Ghalib Marg,
New Delhi 110 -002

...RESPONDENTS

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Mr. Vijay V. Deshmukh, Advocate for petitioners
Mr. S.B. Joshi, AGP for Respondent No. 1 and 5
Mr. V.P. Latange, Advocate for respondent No. 2
Mr. S.S. Jadhavar, Advocate for respondent No. 7
Mr. Alok Sharma, Advocate for respondent No. 8

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : 10TH MARCH, 2017.

ORAL JUDGMENT : (PER : T.V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. The petitioners were the students of D. Pharmacy Course, which was started by respondent No. 2 - Institution. They completed the course in the year 2012-2013 and they applied for

getting registration as Pharmacists to respondent No. 8. Respondent No. 8 has refused the permission of registration by informing the petitioners that respondent No. 2 - Institution was not approved and affiliated with respondent No. 8. It appears that respondent No. 2 - Institution, in the present matter, is now closed. It appears that respondent No. 2 - Institution had an approval of respondents No. 3, 5 and 6. It is the contention of respondent No. 8 that in view of relevant provisions it was necessary for respondent No. 2 to get approval / recognition from respondent No. 8 and as that was not done and as respondent No. 2 - Institution is not registered with respondent No. 8, registration of the petitioners as Pharmacists through respondent No. 2 cannot be granted.

3. In the aforesaid peculiar circumstances, the petitioners will suffer since respondent No. 2 – Institution is now closed. Admittedly, examinations were conducted by respondent No. 6 and the petitioners-students have passed the same. In the peculiar circumstances, without touching to the merits of the points raised, registration of respondent No. 2 with respondent No. 8 was necessary, this court holds that in the interest of the petitioners, who are not at fault, as a special case, we direct respondent No. 8 to register the petitioners with it as pharmacists so that they can use diploma of D Pharmacy obtained by them. So, we hereby direct respondent No. 8 to do the needful to

register the petitioners with it as pharmacists.

4. Writ petition is allowed in aforesaid terms. Rule is made absolute accordingly. It is not to be treated as precedent.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

MTK