

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9935 OF 2015

**Jankalyan Vikas Mandal's Swargiya Lilavati Satish Avhad
D.Pharmacy College Vs. Pharmacy Council of India and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Deshmukh, advocate for the petitioner.
Mr.Alok Sharma, advocate for Respondent No.1
Mr.R.B.Bagul, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 14.02.2017.

PER COURT :

1. Heard.
2. The Respondent No.1 Pharmacy Council of India has filed affidavit. Para 6 of the said counter affidavit-in-rejoinder reads as under :

“It respectfully submitted that the facts of the alleged ten colleges are totally different from the petitioner institute as all the proposals were returned by the answering respondent PCI being time barred as in the case of the petitioner. However, all those colleges thereafter resubmitted their respective proposal, which were complete and considered by the

answering respondent PCI. However, in the case of petitioner, they did not resubmit its proposal to the answering respondent PCI and directly approached this Hon'ble Court by preferring the present Writ Petition. It is pertinent to mention herein that the petitioner resubmitted their proposal vide letter dt.5.4.2016 only after filing the present Writ Petition, which was considered by the 99th Central Council of answering respondent PCI in its meeting held on 10th and 11th June, 2016, which noted that matter was subjudice.

Further the proposal dt.5.4.2016 is incomplete. The consent of Examining Authority willing to conduct the examination of students is not submitted which is prerequisite for considering approval.”

3. Considering the aforesaid reply, it is manifest that the Pharmacy Council had reconsidered the proposal submitted subsequently in respect of 10 institutions as referred in para 6 of the affidavit.

4. It is further submitted that the petitioner has also resubmitted the proposal on 5.4.2016 and as the matter was subjudice, the same is not considered. The affidavit further states that the said proposal is also incomplete.

5. Considering above, we pass the following order :

- a) The petitioner may present itself before the Respondent No.1. If any deficiencies are pointed out, the petitioner shall clear the said deficiencies and thereafter the Respondent No.1 shall take decision on the said proposals on its own merits expeditiously.
- b) With this observation, the Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.14.02.2017.
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