

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

WRIT PETITION NO. 10086 OF 2015

Savitribai Mahila Vikas Mandal
Through its Authorised Signatory
V.K. Himgire and Another

..PETITIONERS

VERSUS

Pharmacy Council of India and Others

..RESPONDENTS

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Mr. V.P. Golewar, Advocate for petitioners.
Mr. Alok Sharma, Advocate for Respondent No.1.
Mr. A.A. Jagathkar, A.G.P. for Respondent Nos. 2 and 3.

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATED : 27th MARCH, 2017

ORDER :

1. Mr. Golewar, learned Counsel submits that the petitioner had submitted the proposal for approval to the Respondent No.1 – Pharmacy Council of India on 01st August, 2015. The same was returned back vide communication dated 28th August, 2015 on the ground that it is not submitted within limitation. Immediately, the petitioner has filed the present writ petition. Learned Counsel submits that Respondent No.1 in case of other institutions who had submitted their proposals on 11th August, 2015 had considered it and has granted approval. The petitioner

is the similarly situated institution. There was no reason for the Respondent No.1 to discriminate the petitioner.

2. Mr. Sharma, learned Counsel for Respondent No.1 contends that the petitioner was required to submit the proposal for seeking approval on or before 31st May, 2015, as the same was for the academic year 2015-16, but, the petitioner submitted the proposal on 01st August, 2015. The learned Counsel submits that in case of other institutions whose proposals were considered after the cut-off date is concerned, the same cannot apply to the petitioner as in other cases, proposals were resubmitted, but, in the case of present petitioner, there was no proposal with Respondent No.1 to decide. The learned Counsel further submits that even the proposal for subsequent year is improper and the same is not approved. The learned Counsel submits that as there is no proposal pending with the Respondent No.1 for the academic year 2015-16, the question of considering the same does not arise. It would not be possible to consider the proposal of the petitioner for the year 2015-16 now.

3. We have considered the submissions canvassed by the learned Counsel for respective parties. It appears that the petitioner has submitted the proposal for approval of Respondent No.1 for the Academic

Year 2015-16 on 01st August, 2015, same was certainly after the cut-off date i.e. 31st May, 2015. We would not have entertained the petition, however, it has been pointed out by the petitioner that in case of similarly situated institutions, Respondent No.1 has accepted the proposals for approval, considered on merits and has granted approval, even though they were submitted in the month of August, 2015. The only difference appears is that the petitioner has not resubmitted the proposal and has approached this Court.

4. As in the other cases, Respondent No.1 had accepted the proposals of the institutions who had applied in August, 2015 and had considered them on merits, we would grant one more opportunity to the petitioner. Of course this order is being passed only on the count that in case of similarly situated institutions, Respondent No.1 had accepted the proposals.

5. The petitioner may resubmit the proposal within two weeks from today with Respondent No.1 seeking approval for the year 2015-16. Respondent No.1 shall consider the said proposal on merits and decide the same considering all other relevant aspects of the matter. We make it clear that it is only on the basis of equity, we have passed the order as the

proposals of similarly situated institutions are considered after the cut-off date for the said year and not on basis of any provisions of statute. The writ petition stands disposed of. No order as to costs.

SSD (SANGITRAO S. PATIL, J.) (S.V. GANGAPURWALA, J.)