

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15982 of 2017 (O&M)

Date of Decision: 12.10.2017

Rama and Krishna Rural Educational and Research Society ... Petitioner

VS.

AICTE & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Manish Soni, Advocate and
Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate the petitioner(s)

Mr. KK Gupta, Advocate for AICTE

Mr. Rajesh Sheoran, Advocate for respondent No.2-Board

Mr. Maninder Singh, Additional Solicitor General of India with
Messrs Shiv Kumar Sharma, Zoheb Hossain & Prabhas Bajaj
for Pharmacy Council of India

Mr. PK Chugh, Advocate for respondent No.2 (CWP-16640-2017)

SURYA KANT, J. (Oral)

(1) This order shall dispose of CWP Nos.15982 & 16640 of 2017 as the point in issue in both the cases pertains to the grant of provisional extension of affiliation to the petitioner-Institutes and to permit them to admit students in Diploma of Pharmacy against the sanctioned intake in the Academic Session 2017-18.

(2) With reference to the issues noticed by this Court in the order dated 10.08.2017, we have heard Sarvshri Maninder Singh, Additional Solicitor General of India appearing on behalf of respondent No.3-PCI; K.K. Gupta, Advocate for AICTE; Mr. Rajesh Sheoran, Advocate for the Haryana State Board of Technical Education as also learned counsel for the petitioners.

(3) Shri Maninder Singh refers to the contents of the affidavit dated

resolution passed by Central Council of PCI in its meeting held on 17.09.2017 has been reproduced whereby the PCI has resolved that hitherto it shall not wait for the consent of the Examining Authority or the approval of the State Government as a pre-requisite condition for inspection for various Pharmacy Courses and that the PCI shall inspect the Institution and based upon the findings of the inspection report, it shall consider the approval. It has been further resolved that the consent of affiliation to be given by the Examining Authority or the approval of the State Government, shall be required to be submitted by the Institute before making admissions failing which approval granted by PCI shall be deemed to have been withdrawn.

(4) On further instructions, Shri Maninder Singh states that the Pharmacy Council shall take its decision *re:* approval of an Institution in terms of the above referred Resolution on or before 10th April of the year provided that the Institution has applied to the Pharmacy Council before 31st of August of the previous year.

(5) AICTE has also filed affidavit through its Regional Officer maintaining that AICTE shall strictly follow the time line fixed by the Hon'ble Supreme Court in **Parshavanath Charitable Trust & Ors. vs. All India Council for Technical Educational & Ors. (2013) 3 SCC 385** and shall grant or refuse approval before 10th April of the year.

(6) As regard to the Haryana State Board of Technical Education, it is directed that as soon as the Institute applies to the Board along with approvals from the Pharmacy Council and the AICTE, it shall take its decision regarding grant of affiliation within 10 days of submission of such application. Any delay or defiance shall be viewed seriously.

(7) So far as the merits of the case is concerned, the Hon'ble Supreme Court vide order dated 29.08.2017 passed in **SLP (C) No.21979 of 2017 [Rama and Krishna Rural Educational and Research Society versus All India Council for Technical Education & Ors.]** has already granted necessary relief to the petitioner(s) rendering these writ petitions as infructuous.

(8) Disposed of accordingly.

(Surya Kant)
Judge

12.10.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No