

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1840 OF 2018

Aditya Education Trust's
Aditya Diploma Institute of Pharmacy
Sarda Estate, Nalwadi Road, Beed,
Dist. Beed
Through its President

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Higher and Technical Education
And Employment Department,
Government of Maharashtra,
Mantralaya, Mumbai - 400 032.
2. The Director of Technical Education,
Government of Maharashtra,
3, Mahapalika Marg, Mumbai - 400 001
3. All India Council for Technical Education,
7th Floor, Chandralok Building,
Janpath, NEW DELHI - 110 001,
Through its Principal Secretary.
4. The Pharmacy Council of India,
Through its Registrar-Cum-Secretary,
Combined Council Building,
Kotala Road, Ali Yawarjung Marg,
NEW DELHI - 110 002
5. The Maharashtra State Board of
Technical Education, Kherwadi,
Bandra (East), Mumbai - 400 051.
Through its Secretary.

Adv. for Petitioner : Mr. D.S. Bagul
AGP for Respondent state : Mr. P.K. Lakhotia
Adv. for Respondent no. 3 : Mr. S.V. Adwant
Adv. for Respondent no. 4 : Mr. S.B. Deshpande
Adv. for Respondent no. 5 : Mr. S.S. Jadhavar

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 8th March, 2018.

ORAL JUDGMENT [PER R.M. BORDE,J] :-

1] The petitioner has prayed for issuance of directions to the respondent No.4 i.e. Pharmacy Council of India or its agent or anybody claiming through the Pharmacy Council of India to register and enroll the students, who have completed the Diploma in Pharmacy course from the petitioner institution, as “Pharmacists”. It is the contention of the petitioner that the students, who have completed the Diploma in Pharmacy course from the petitioner institution, are not being registered by the Pharmacy Council of India as “Pharmacists”.

2] It is further contended that the petitioner institution has been accorded affiliation by the respondent No.4 and the admission of students at the petitioner institution at the relevant point of time was within the sanctioned strength. The petitioner contends that the aforesaid facts are not disputed. This Court, on earlier occasion, by issuing interim orders has protected the interest of the petitioner institution by placing reliance upon the interim orders passed by the Honourable Apex Court, in the matter of ***Orissa Technical Colleges Association Vs. AICTE and another, in Special Leave to Appeal No. 7277 of 2014***. Last such order was issued in favour of the petitioner institution in Civil Application No. 9952 of 2017 and 9951 of 2017 (Aditya Education Trust, Beed vs. State of Maharashtra) and in Writ Petition No. 8416 of 2016

3] The learned counsel for the petitioner invited our attention to the judgment delivered by the Division Bench of this Court in W.P. No. 10027 of 2016 in the matter of ***Shri Bhairavnath Nisagra Mandal's College of Pharmacy, At post Hatta, Tq. Vasmat vs. State of Maharashtra and others***; with other connected matters decided on 4th July, 2017.

4] The issue raised in the instant petition is no more res-integra and squarely covered by the aforesaid judgment. Considering the judgment referred to above, the instant petition also deserves to be allowed and same is accordingly allowed in terms of the following order :-

[a] The respondent/Pharmacy Council of India or its agents or anybody claiming under it, are directed to grant registration “as Pharmacist” to the students who have secured Diploma in Pharmacy from the petitioner institution, in accordance with law, and the procedure prescribed in that behalf, as expeditiously as possible and preferably within a period of two months from the completion of necessary formalities by the concerned students.

[b] The students shall comply with the necessary formalities including payment of fees, with a view to secure registration certificate from the Pharmacy Council of India.

[c] The aforesaid order shall be subject to the final decision by the Honourable Apex Court in the matter of ***Orissa Technical Colleges Association Vs. AICTE*** and another, in Special Leave to Appeal No. 7277 of 2014 as well as in the matter of ***The Pharmacy Council of India vs. Bhairavnath Nisarga Mandal*** Colleges in Special Leave to Appeal (Civil) No. 26480-26483 of 2017.

[d] Rule is made absolute in above terms. No costs.

[e] Parties to act upon authenticated copy of this order.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-