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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 30th November, 2018

+ W.P.(C) 12860/2018 & CM No. 49847/2018

ASIS KUMAR & ORS Petitioner
Through: Mr. Rishi Kapoor and
Mr. Aakash Sharma, Advs.

versus

PHARMACY COUNCIL OF INDAI & ORS Respondents
Through: Mr. Zoheb Hossain and Mr.
Piyush Goyal, Adv. for R-1
Mr. Praveen Kumar Jain, Mr. Naveen
Kumar Jain and Mr. Pradeep Kr. Patra,
Advs. for R-2 & 3

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

% **30.11.2018**

1. This writ petition is so badly hit by delay and laches that it is impossible to enter into the merits thereof.

2. Petitioner Nos.1 to 6 appeared in the examination for the Course of Diploma in Pharmacy, First year, Class III (Part I) at Armed Forces Medical College, Pune in 1995-96 and Petitioner Nos. 7 to 21 appeared in the said examination in 1996-97. On 2nd November, 1999, a communication was issued, to the Petitioners, by the record office of the Army Medical College, directing them to complete the second year of the said course. The writ petition alleges that, owing to delay on the part of the respondents, the course could not be completed, in

December, 2000.

3. The communication, by which the petitioners are principally aggrieved was issued, by Respondent No. 1 on 22nd March, 2000, under Section 13 of the Pharmacy Act, 1948, withdrawing the approval granted to the Diploma Course in Pharmacy. The petitioners allege that the said communication was never made known to them, and that, from 2004 to 2013 i.e. for nine years, the petitioners, without choosing to approach any judicial forum, “kept pursuing the respondents by filing representations” and having “personal meetings”.

4. It appears that on 14th August, 2012, Respondent No.2 communicated with the Director General, Armed Forces for obtaining sanction, from the Pharmacy Council of India, for issuance of Diploma in Pharmacy and mark sheets to the petitioners. Respondent No.1 declined to do so *vide* communication dated 13th December, 2013.

5. This writ petition, which was filed on 26th October, 2018, seeks quashing of the letters/notice issued 18 years ago on 26th March, 2000, and for issuance of a direction to Respondent No.1 to approve the Diploma Course in Pharmacy, undertaken by the petitioners in 1999-2001.

6. There is not a whisper of an averment, in the entire writ petition, satisfactorily explaining the delay from 2000 till 2013, except

for saying that the petitioners kept submitting representations to the respondent. Reckoned even from 2013, this matter has been filed five years later. There is no explanation for this delay either.

7. Learned counsel for the petitioners submits that the cause of action is continuing in nature and that many of the petitioners have retired. He also states that the petitioners are situated at diverse locations across the country.

8. I am unable to subscribe to the submissions that the cause of action is continuing in nature. The communication in question was issued in 2000. It is also not believable that the petitioners would be totally unaware of this communication till now. Even after 2013, 5 long years have passed, with no explanation, whatsoever, therefor.

9. Without entering into the merits of the controversy, therefore, this writ petition is dismissed on the ground of unexplained delay and laches. No costs.

C. HARI SHANKAR, J

NOVEMBER 30, 2018/kr