

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

**1039 WRIT PETITION NO.3399 OF 2019**

Aditya Education Trust's, Beed, Tq.Beed  
Aditya Pharmacy College & Research, Beed.  
Through its Principal.

.. PETITIONER

**VERSUS**

1]The State of Maharashtra  
through its Secretary,  
Higher & Technical Education  
and Employment Department,  
Government of Maharashtra,  
Mantralaya, Mumbai-400032

2]The Director of Technical Education  
Government of Maharashtra  
3, Mahapalika Marg,  
Mumbai-400001

3]The Pharmacy Council of India  
Through its Registrar-cum-Secretary  
Combined Council Building,  
Kotala Road, Ali Yawarjung  
Marg, New Delhi-110002

...RESPONDENTS

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Advocate Shri D.S.Bagul for petitioner.  
AGP Shri S.G.Karlekar for respondent State.  
ASG Shri S.B.Deshpande for respondent no.3

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**CORAM : S.V.GANGAPURWALA &  
MANGESH S. PATIL, JJ.  
DATE : 02/08/2019**

**ORAL JUDGMENT :**

Rule. Rule made returnable forthwith. With consent of parties,  
Petition is heard finally at the stage of admission.

2] The petitioner seeks directions against respondent no.3 Pharmacy Council of India (PCI) to register and enroll students of the petitioner institution.

3] The petitioner is conducting B-Pharmacy course from the year 2014-15. The AICTE already since the year 2014-15 has sanctioned intake capacity of 180 students upto the year 2018-19. For the year 2019-20 the AICTE has granted intake capacity of 100 students.

4] The Pharmacy Council of India has allowed intake capacity to the petitioner institution for the year 2014-15 and 2015-16 at 60 students and from the year 2016-17 upto the year 2019-20 has increased the intake capacity of students of B-Pharmacy course to 100 students each year.

5] Time and again the petitioner approached this Court. Under the interim orders passed by this Court, the petitioner was allowed to admit students as per the intake capacity sanctioned by the AICTE. Now the petitioner seeks directions as against the PCI to register and enroll the students of the petitioner institution.

6] There is no dispute about the intake capacity sanctioned by the AICTE and the PCI. So also it appears that every year the petitioner had approached this Court and under the interim order of this Court was allowed to admit students to the institution of the intake capacity sanctioned by AICTE.

7] The petitioner refers to the order passed by Division Bench of this Court in Writ Petition No.10027/2016 with connected Writ Petitions dated 4/7/2017. He further submits that the PCI has

assailed this order before the Apex Court. The Apex Court did not grant stay to the said order however directed the PCI to register the students and that registration of the respondent students will be subject to the outcome of the SLP.

8] In light of the above, we follow the same course as is detailed in the order dated 4/7/2017 in Writ Petition No.10027/2016 and order dated 8/3/2018 in Writ Petition No.1840/2018 i.e. the order passed in the petition of petitioner institution.

9] The issue raised in the instant petition is no more resintegra 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 Degree 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

Orisa Technical Colleges Association Versus AICTE and another, in Special Leave to Appeal No.7277/2014 as well as in the matter of the Pharmacy Council of India Versus Bhairavnath Nisarg 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 authenticate copy of this order.

**(MANGESH S. PATIL,J.)**

**(S.V.GANGAPURWALA,J.)**

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