

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

WRIT PETITION NO. 14032 OF 2018

Ramprasad Kakasaheb Nagare
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Kalyan V. Patil, Advocate for the Petitioner.

Shri S. B. Narwade, A.G.P. for Respondent Nos. 1, 4 to 6 & 8.

Shri Sanjeev B. Deshpande, A.S.G. for the Respondent No. 3.

Shri Avinash V. Aghav, Advocate for the Respondent No. 7.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 04TH DECEMBER, 2019.

FINAL ORDER :

. We have heard Mr. Patil, the learned counsel for the petitioner, the learned Assistant Government Pleader for respondents/State and the learned Assistant Solicitor General for the respondent No. 3.

2. The petition and the affidavit filed by the Pharmacy Council of India depict pitiable state of affairs in the Pharmacy College run by the Government. In the inspection, the Pharmacy Council of India noticed following deficiencies.

- It was noticed that Pharmacy Practice staff is not available as prescribed under "Pharm.D. Regulations, 2008" and

“Minimum Qualification for Teachers in Pharmacy Institutions Regulations, 2014”

- In view of above, it was decided to issue strict warning to the institution under intimation to State Govt. for appointment of Pharmacy Practice staff as prescribed under “Pharm.D. Regulations, 2008” and “Minimum Qualification for Teachers in Pharmacy Institutions Regulations, 2014” failing which Council shall be constrained to initiate action u/s 13 of the Pharmacy Act for withdrawal of approval.”

3. The Pharmacy Colleges run by the Government should set an example of compliance to the regulations and observance of the mandate required for running the institution. The affidavit is filed by the Incharge Principal of Government College of Pharmacy Aurangabad. The affidavit states that the respondent No. 1 has received proposal for creation of posts for Pharm. D. course from the respondent No. 4/Director of Technical Education. In fact, staffing pattern is prescribed under the regulations itself for Pharm. D. college. Unless the appropriate staff is appointed, the respondents cannot run the Pharm. D. course. It is further submitted that on 18.09.2019 approval has been given for creation of posts of Professor, Associate Professor and Assistant Professor for Pharm. D. course of Pharmacy College Aurangabad and initially proposal of roster has been received on 15.10.2019 by the Government from the respondent No. 4 and the process to grant approval to the roster is in the midst and approval to the roster would be accorded within short duration of time. It is further stated on affidavit that Directorate

of Technical Education, Maharashtra State, Mumbai is preparing the recruitment rules for the posts of Professor, Associate Professor and Assistant Professor for Pharm. D. course at Government College of Pharmacy and requisition for recruitment of the faculty posts would be given to the Maharashtra Public Service Commission after the approval of roster and recruitment rules. The same would be done within a short period of time.

4. Without proper infrastructure and staff, it is the students who would suffer. We do not approve such approach from the Government run institutions.

5. If within a period of six (06) months from today, the Pharm. D. College run by the Government does not finalize the regulations and remove the deficiencies as pointed out by the Pharmacy Council of India, then the Pharmacy Council of India shall take further steps as prescribed under Pharm. D. Regulations 2008 and initiate action under Section 13 of the Pharmacy Act for withdrawal of approval.

6. With these observations, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]