

Sr. No. 207

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.10003 of 2015 (O&M)

Date of Decision: 28.03.2019

Sheela Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

Mr. S.K.Sharma, Advocate,
for respondent No.3-PCI.

Mr. Sameer Sachdeva, Advocate,
for respondent No.5

ARUN MONGA, J.(ORAL)

The short controversy in the present case is that vide impugned order dated 16.12.2014 (Annexure P-9), whether respondent No.3-Pharmacy Council of India (PCI) has rightly rejected the claim of the petitioner for granting enrolment as a 'Pharmacist' after her having qualified D. Pharmacy from Tirupati College of Pharmacy-respondent No.5?

2. Learned counsel for the petitioner, at the outset, submits that without going into the merits, suffice for him to seek

parity with another student, who had been awarded a 'Diploma in D. Pharmacy' and was granted admission based on her degree in B.Sc. Home Science. The said averment is mentioned in para 10 of the writ petition, wherein it has been stated that respondent No.3- Pharmacy Council of India has granted the enrolment to Archana Sharma, resident of Hisar, who was also granted Diploma, a year prior to the Diploma having been successfully awarded to the petitioner.

3. The said averment has not been adverted to by respondent No.3 in the reply filed before this Court. On the other hand, respondent No.2-Department of Technical Education, Government of Haryana has strongly recommended the case of the petitioner on the ground that the reasons given in the impugned order are incorrect. The stand taken in the written statement filed by Joint Director, Technical Education, Haryana on behalf of respondent No.2 is that in view of equivalence granted by the Board of School Education, Haryana, Bhiwani, the degree of B.Sc. (Home Science) possessed by the petitioner is equivalent to +1 and +2 stage of Senior Secondary Examination. It is further stated in the written statement that the Pharmacy Council of India does not seem to be justified in rejecting the candidature of the petitioner for enrolment as 'Pharmacist'.

4. Even otherwise, in the facts of the case, the reasoning adopted by Pharmacy Council of India seems incorrect, as has been shown by learned counsel for the petitioner, from the details

of marks-sheet viz-a-viz subjects studied by the petitioner in her Ist and IInd year of B.Sc. Home Science.

5. The said transcript of the academic records has not been disputed by respondent No.3. The subjects studied by the petitioner in Ist and IInd year are Chemistry, Physics, Botany and Zoology. The stand of respondent No.3 flies in the face of subjects studied by the petitioner and, therefore, the impugned order passed by respondent No.3 does not stand judicial scrutiny and is not tenable.

6. I am also in agreement with the submission of learned counsel for the petitioner that respondent No.3 cannot adopt a discriminatory attitude qua the petitioner alone when a similarly situated student, who has been granted the same Diploma by the same very college, has been enrolled while on the other hand, petitioner's claim has been declined.

7. In view of the discussion above and reasons contained therein, the impugned order dated 16.12.2014 (Annexure P-9) is set aside and respondent No.4 is directed to enroll the petitioner as 'Pharmacist' as per the provisions of the Pharmacy Act, 1948.

8. It is however, made clear that nothing observed above shall be construed to mean that every degree of B.Sc. Home Science is eligible for the purpose of admission to the Pharmacy College and each case shall have to be seen on its own merit depending upon the subjects studied by the student in course of B.Sc. Home Science degree.

9. Let the needful be done within a period of 3 months
from the date of receipt of a certified copy of this order.
10. With these observations, writ petition is disposed of.

28.03.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No