

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

**CWP-19784-2019 (O&M)
Date of Decision:22.07.2019**

Gurugram Global College of Pharmacy

... Petitioner

Versus

Pt. B.D. Sharma University

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Tarjit Singh Chhikara, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, the petitioner/College was already enjoying the approval for running of a B.Pharmacy Course for the session 2019-20 with a student intake of 60 at the hands of All India Council for Technical Education as also Pharmacy Council of India. Apparently, the petitioner applied for increased intake of students for the B. Pharmacy course from 60 to 100 for the session 2019-20. The All India Council for Technical Education issued the approval for the increased strength on 29.04.2019 and the Pharmacy Council of India also accorded a permission towards the increased intake of students on 18.04.2019.

Challenge in the instant petition is to the orders appended at Annexures P-7 and P-9 issued by the Pt. B.D. Sharma University of Health Sciences, Rohtak, whereby claim for increase intake in the B.Pharmacy course from 60 to 100 seats for the session 2019-20 has been rejected on the ground that the petitioner/College had not submitted an application along with requisite fee pertaining to increased intake of students by the last date

i.e. 31.03.2019.

The entire thrust put forth by counsel representing the petitioner/College is that since the approvals for the increased intake of students from 60 to 100 for the B. Pharmacy was accorded by the All India Council for Technical Education as also Pharmacy Council of India on 29.04.2019 and 18.04.2019 respectively, there was no occasion for an application to have been submitted to the respondent/University prior to such dates. It is argued that the action of the respondent/University in declining the prayer of the petitioner/College for the increased intake of students on the ground of being time barred is patently unjust and unfair.

Having heard counsel for the petitioner at length, this Court is of the considered view that the prayer of the petitioner/College for increased intake of students in the B.Pharmacy Course for the current session i.e. 2019-20 cannot be entertained.

The Hon'ble Supreme Court in **Parshavnath Charitable Trust & others Vs. All India Council for Technical Education & others, 2013(2) SCT 163** had laid down a schedule for admission in the following terms:

Event	Schedule
Conduct of Entrance Examination (AIEEE/State CET/Mgt. Quota exams etc.)	In the month of May
Declaration of Result of Qualifying Examination (12 th Exam or similar) and Entrance Examination	On or before 5 th June
1 st round of counselling/admission for allotment of seats	To be completed on or before 30 th June
2 nd round counselling for allotment of seats	To be completed on or before 10 th July
Last round of counselling for	To be completed on or before 20 th

allotment of seats	July
Last date for admitting candidates in seats other than allotted above 30 th July.	However, any number of rounds for counselling could be conducted depending on local requirements, but all the rounds shall be completed before 30 th July.
Commencement of academic session	1 st August
Last date upto which students can be admitted against vacancies arising due to any reason (no student should be admitted in any institution after the last date under any quota)	15 th August
Last date of granting or refusing approval by AICTE	10 th April
Last date of granting or refusing approval by University/State Government	15 th May

It was further held that admission to academic courses would start by 1st August of the relevant year, the seats remaining vacant should again be duly notified and advertised. All seats were to be filled up positively by 15th August after which there would be no admission for any reason or ground. The dictum laid down by the Apex Court was that the afore noticed admission dates were to be treated as law of the land to be strictly adhered to by all concerned and none of the authorities would have the power or jurisdiction to vary such dates of admission.

As per schedule the first round of counselling/admission was to be completed on or before 30th June, 2nd round of counselling for allotment of seats to be completed on or before 10th July and the last round of counselling for allotment of seats to be completed on or before 20th July.

Accepting the prayer made in the instant petition would clearly tantamount to a deviation from the admission schedule laid down by the Apex Court as noticed hereinabove.

The same is not permissible.

At this stage, counsel would interject to apprise this Court that even as per schedule laid down, the last date for granting or refusing approval by the AICTE was 10th April and the last date for granting/refusing approval by the University/State Government was 15th May of any academic year. Counsel would urge that in the present case the approval came forth from the All India Council for Technical Education as regards the increase intake from 60 to 100 students for the B.Pharmacy Course after the last date of 10th April i.e. on 29.04.2019 (Annexure P-1).

Accordingly, a suggestion was put forth that since the All India Council for Technical Education itself has deviated from the schedule laid down in **Parshavnath's case (supra)**, further time ought to be granted even to the petitioner/college. Even such submission is ill founded.

The approval that may have been forthcoming from the AICTE after the last date stipulated for the schedule i.e. 10th April of any academic year would not vest any right with the petitioner/college to perpetuate such delay in further proceedings as well.

Petition is dismissed.

22.07.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |