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

+ W.P.(C) 4232/2020

ANJALI COLLEGE OF PHARMACY AND SCIENCE..... Petitioner
Through Mr.Aseem Mehrotra, Adv.

versus

PHARMACY COUNCIL OF INDIA Respondent
Through Mr.Zoheb Hossain, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

11.09.2020

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This hearing is conducted through Video Conferencing.

1. This writ petition is filed by the petitioner seeking appropriate directions to quash the decision of the Central Council of the respondent dated 08.04.2020 and 09.04.2020 and decision of the Executive Council of the respondent dated 30.04.2020 whereby permission for starting of D.Pharma with 60 seats and M.Pharma with 15 seats for the academic year 2020-21 has been rejected.

2. The case of the petitioner is that it is running a B.Pharmacy Degree Course with approval from the respondent and with affiliation from Dr.A.P.J. Abdul Kalam Technical University, Lucknow, U.P. The respondent in their website have uploaded a decision that all institutes have to apply Online for seeking approval for starting of fresh course or extension of approval for the existing courses. The petitioner states that it was desirous of starting fresh courses in D. Pharma and M. Pharma for the academic year 2020-21 and also applied for seeking extension of approval of B. Pharmacy

degree course. The petitioner got an affidavit prepared and as per Appendix I got it notarized to be submitted to the respondent. It is stated that the petitioner applied online on the web portal of the respondent for starting the D. Pharma and M. Pharma courses and also seeking an extension of approval for the B. Pharma degree course. However, there was no provision for uploading the affidavit as per Annexure I. Hence, the petitioner could not upload the affidavit which stood prepared on 25.12.2019.

3. The respondent in its Central Council Meeting held on 08.04.2020 and 09.04.2020 recommended for extension of approval for the B. Pharma degree course. However, in respect of D.Pharma and M.Pharma course the decision was withheld on the ground that the petitioner had not submitted the consent of affiliation of the Examining Authority nor the affidavit for both the courses.

4. On 20.04.2020, the decision taken in the 109th Council meeting of the respondent dated 09.04.2020 & 10.04.2020 was communicated to the petitioner and he was advised that an appeal lies against the said order. On 21.04.2020, the petitioner filed an appeal. On 30.04.2020, the Executive Council of the respondent rejected the appeal of the petitioner on the ground that consent of affiliation of the Examining Authority was not submitted and affidavit was not filed. The order was uploaded on 22.06.2020. Hence the present writ petition.

5. The respondent has filed its counter affidavit. It is stated that on 22.04.2020 the petitioner submitted an affidavit for the D. Pharma and M. Pharma course. However, the petitioner failed to submit the same in the prescribed format. Important paras which are vital were not stated in the Affidavit. The defects in the affidavit of the petitioner have been pointed

out. Further, it is stated that the petitioner was supposed to send the consent of affiliation of the Examining Authority which it did not send by 24.06.2020 which was the deadline for approval set by the Supreme Court .It is also pointed out that the Supreme Court in its judgment in the case of ***Pharmacy Council of India vs. Dr.S.K.Toshniwal Educational TrustsVidarbha Institute of Pharmacy & Ors.,2020 SCC OnLine SC 296*** has clearly stated the norms and regulations set by the PCI and other specified authorities under the Pharmacy Act have to be followed by Institutions. It is further stated that as per the judgment of the Supreme Court in ***Parshvanath Charitable Trust and Ors. Vs. All India Council of Technical Education and Ors.,(2013)3 SCC 385***the last date for granting or refusing theapproval is 10.04.2020.However, due to the present Pandemic, the answering respondent had filed a miscellaneous application in the above matter seeking extension of time for completing pending cases. The Supreme Court by its order dated 10.06.2020 was pleased to extend the time till 24.06.2020.

6. It is now stated that the petitioner institute on 07.07.2020 has submitted the affidavit in prescribed format for D. Pharma and M. Pharma courses, which is after the extended cut-off date of 24.06.2020.Hence this cannot be accepted now.

7. The perusal of the facts above clearly shows that the petitioner had failed to upload the necessary affidavit in question in the prescribed format. Important paras were missing in the affidavit. In the light of this admitted fact the impugned orders passed by the respondent rejecting the application of the petitioner for the D. Pharma and M. Pharma courses are in order.

8. Admittedly, as per the counter affidavit, the petitioner has on 07.07.2020 now submitted the affidavit in the prescribed format for the D. Pharma and M. Pharma courses. However, for this academic session the last date for grant of approval being 24.06.2020, the respondent obviously cannot grant permission for carrying out the said courses for this academic year.

9. In these circumstances, in the interest of justice, let the respondent consider the application of the petitioner for the next academic year, as per law.

10. Nothing further survives in this petition. Petition is disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

SEPTEMBER 11, 2020/n