

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.969 of 2021

Shivam College of Higher Studies Ashoka Shiksha Kendra, Khusrupur, Near NH, Po-Khusrupur, Dist.-Patna, Bihar-803202 through its Secretary Ashok Kumar, Male aged about 54 Years, S/o Raghunandan Sharma, R/o House no. 106-G, Patliputra Colony, Near Polytechnic More, Patliputra Colony, Patna-Bihar-800013.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Health Medical Education and Family Welfare, Patna.
2. The Secretary, Health and Family Welfare Ministry, Government of India, Room No. 348, A Wing, AHS Section, Nirman Bhawan, New Delhi-11.
3. The Controller of Examination, Diploma in Pharmacy, Department of Health Medical Education, Patna.
4. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
5. The Pro Vice Chancellor, Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
6. The Registrar, Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
7. Pharmacy Council of India through its Registrar-Cum-Secretary, NBCC Centre, 3rd Floor, Plot no. 2, Community Centre, Maa Anandamai Marg Okhla Phase I, New Delhi-110020.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, GP-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 23-11-2021

None appears for the petitioner.

2. In the instant petition, petitioner has sought for following reliefs:

“(i) For issuance of an appropriate writ/writs in the nature of mandamus commanding and directing the respondent Aryabhatta knowledge University (Examining Body) to grant affiliation to petitioner college to impart



B.Pharma course for academic session 2020-2021 for which the petitioner has already deposited Rs. 25,000/- (Twenty five Thousand Only) for application fee, Rs. 25,000/- (Twenty Five Thousand Only) for inspection and processing fee on 27.05.2020 and Rs. 40,000/- (Forty Thousand only) for affiliation fee on 27.05.2020 and the respondent has accepted these fees.

The respondent Pharmacy Council of India, New Delhi has granted approval to the petitioner colleges to run the B.Pharma and D.Pharma Courses on 10th April 2020.

(ii) For issuance of an appropriate writ in the nature of mandamus for a direction to the respondent Health Department to grant affiliation for conducting D.Pharma Course, as the respondent Pharmacy Council of India has granted approval to run D.Pharma Course.

The petitioner college fulfills all requisite criteria and have deposited required fee but without any rhyme and reason the respondents kept the matter hanging in air, ignoring the letter dated 19.08.19 issued by Health Department, Bihar vide letter no. 644(17) issued to The Secretary, Health and Family Welfare, Government of India by which it was requested to lift the ban imposed to run pharmacy college.

(iii) For issuance of an appropriate writ in the nature of mandamus for a direction to the respondent Pharmacy Council of India not to take any action as to withdrawal of approval/recognition granted to the petitioner institutions and stay the further proceedings in the matter.

The Pharmacy Council of India has issued a letter to the petition institution that if they fail to submit consent of affiliation of Aryabhatta Knowledge University within two weeks of issuance of the letter, the recognition/approval earlier granted by the Council will be deemed to



have been withdrawn. The letter was issued to the petitioner institution on 29.09.2020.

(iv) For issuance of any other relief/reliefs for which the petitioner is entitled to get.”

Petitioner’s grievance is relating to grant of affiliation to impart B.Pharma courses and other courses. In this regard, the petitioner is stated to have submitted application and deposited prescribed fees. There is inaction on the part of the Respondent-University in not either extending affiliation to the petitioner’s college or rejecting or pointing out any deficiencies in not granting affiliation to the petitioner’s college despite it is more than two years. Therefore, the University as well as Government is hereby directed to take note of the grievances of the petitioner and redress the same within a period of four weeks from the date of receipt of copy of this order, failing which, petitioner is entitled to litigation cost and it is quantified @ Rs. 25,000/-. Cost shall be paid if decision is not taken within four weeks from the date of receipt of this order.

With the above observations, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	29.11.2021
Transmission Date	

