

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

WRIT PETITION NO.2042 OF 2020

**SAI SAKAL SHIKSHAN PRASARAK MANDAL
AURANGABAD THROUGH ITS PRESIDENT
VERSUS
PHARMACY COUNCIL OF INDIA NEW DELHI**

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Advocate for the Petitioner : Shri Bagul D.S.
Advocate for the Respondent : Shri Deshpande Sanjeev B.

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**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 20th August, 2021

Per Court :-

1. By this petition, the petitioner has put forth prayer
clause B as under :-

*“B) By way of appropriate writ, order or direction
in the like nature, the respondent authority i.e.
Pharmacy Council of India, may be directed to
update its portal so that the course wise
payment details will appear in the ID of
petitioner and further the petitioner may be
permitted to deposit the fees for the purpose of
approval process.”*

2. As such, the issue brought before us by the
petitioner is that directions need to be issued to the respondents

for updating the portal for accepting online applications.

3. On 11.12.2020, this Court had passed the following order :-

- “1. The dispute is about the SIF report (Page No.45).
2. According to the petitioner, the petitioner had tendered application with the respondent seeking approval for start of new college, whereas the stand of the Pharmacy Council of India is that they have not received application from the petitioner.
3. According to the petitioner, the application is generated from the website provided by the Pharmacy Council of India. The petitioner also is provided with the password and account number. The petitioner filled in the application. The said application still finds place on the website of the Pharmacy Council of India.
4. Mr. Deshpande, learned counsel for respondent submits that the Pharmacy Council of India has also called for the report from the NIC to verify the claim made by the Institution of submitting the application.
5. The respondent is at liberty to get the report from the NIC.
6. The learned counsel for the petitioner and the learned counsel for the respondent agree for the name of Mr. Sanket Kulkarni, learned counsel to act as Commissioner.
7. Mr. Bagul, learned counsel submits that he has obtained consent of Mr. Sanket Kulkarni, learned counsel to act as Commissioner.
8. In light of that, Mr. Sanket Kulkarni, learned Advocate is appointed as Commissioner. He shall verify the factum of submission of the application by the petitioner seeking approval for opening of new college from the website of Pharmacy Council of India in the presence of learned counsel for parties and on the date convenient to the learned counsel for parties and Learned Commissioner and submit the report to this Court.
9. Place the matter on 05.01.2021.
10. Parties to act on authenticated copy of this order.”

4. Shri Deshpande, learned advocate representing respondent No.1/ Pharmacy Council of India has entered an affidavit in reply through Pratima Tiwari, Assistant Secretary, Pharmacy Council of India, New Delhi dated 05.03.2020. It is mentioned in paragraph 41 of the affidavit that the petitioner Institute had never applied to the respondent for grant of approval to the Diploma in Pharmacy course for the purpose of registration of pharmacists to practice the said profession.

5. We have perused the report dated 19.01.2021 submitted by learned advocate Shri Sanket Kulkarni, which is marked as “X” for identification. He was appointed by this Court vide order dated 11.12.2020 as the Commissioner to verify the factum of submission of the application on the website of the Pharmacy Council of India. The report specifically indicates that the account of the petitioner was opened by the use of user name “V L Dalvi College of Pharmacy/ PCI-4442”. However, after the account was opened, the Commissioner clicked the option of SIF report and the screen displayed a message as “access denied”. Shri Kulkarni, therefore, has opined that as the response generated was “access denied”, he was unable to state whether,

the petitioner's application form was uploaded by it on the website.

6. Though the learned advocate for the petitioner has vehemently canvassed the grounds set out in this petition and which were equally vehemently opposed by Shri Deshpande, we do not find any purpose would be served in keeping this petition pending having been filed on 28.01.2020 and which was for the academic year 2019-2020. In the interest of justice, we deem it appropriate to grant liberty to the petitioner to follow the due procedure for renewing it's request in future, if so advised.

7. As such, this Writ Petition is disposed off with liberty as stated above.

kps (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)