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

CWP-1769 of 2021

Date of decision: January 29, 2021

Maa Saraswati College of Pharmacy

.....Petitioner

Versus

Pandit Bhagwat Dayal Sharma University of
Health Sciences, Rohtak and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Mohit Bishnoi, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing impugned communication dated 19.01.2021 (P-6) passed by respondent No.2, whereby application of the petitioner for grant of affiliation for the Bachelor of Pharmacy course has been declined.

Notice of motion.

Mr. Nilesh Bhardwaj, Advocate accepts notice on behalf of the respondents.

Contended by learned counsel for the petitioner that in view of clause 2(A&B) of the Ordinance Regarding Conditions of Affiliation of Colleges & Institutions, last date for submission of application is 31.03.2021 with 100% extra charges, therefore, reason assigned by the respondents, on the premise, that 31.12.2020 was the

last date, would palpably be wrong and not legally sustainable. Also contends that Diploma in Pharmacy Course is already going on with the petitioner-College and they are inclined to deposit late fee charges for getting affiliation, therefore, present petition deserves to be accepted.

On the other hand, learned counsel for the respondents pointed out towards the communication dated 17.09.2019, which was made available by way of an electronic mode, to the effect that clause 2 (A&B) relied upon by the petitioner is unamended; and thus tried to mislead the Court. Also pointed out that as a matter of fact, necessary additions in clause 2 (A&B) as well as clause 29 (note viii (A) have already been incorporated and according to which, last date could not exceed beyond 31.12.2020.

Heard learned counsel for the parties and perused paper-book.

Before proceeding further, it would be relevant to extract clause 2 (A&B) as well as clause 29 (note viii (A) of communication dated 17.09.2019, which read as under:-

“Clause 2 (A&B)

For Pharmacy courses only, Last date for submission of application/ proposal for affiliation/ consent of affiliation alongwith prescribed processing fee for new College/ Institute/ Increase intake/ additional course(s)/ specialization/ subjects etc., without late/ extra fee shall be 31st Oct. of the preceeding year to which it is poropsed to start.

Proposal/ application for affiliation/ consent of affiliation shall be entertained upto 30th November of the preceding year on payment of 50% extra charges and upto 31st December of the year concerned on payment of 100% extra charges.

Clause 29-Note (viii (A))- *Pharmacy colleges/ Institutions shall deposit the annual continuation fee + inspection fee upto 31st December failing which penalty of Rs.1000/- per course per day shall be charged.”*

Perusal of the above amended clauses clearly reveal that last date for getting affiliation for new Pharmacy course without late fee had been prescribed as 31st October of the preceding year; upto 31.11.2020 with 50% extra charges and 31.12.2020 with 100% extra charges. Since petitioner applied for B. Pharmacy (new course) only on 08.01.2021, therefore, the application being time barred, has rightly been rejected.

Still further, this Court is of the firm opinion that there is an active concealment on the part of the petitioner, inasmuch as the aforesaid communication was duly conveyed to the College by way of an electronic mail on 18.10.2019, but despite that it has not been disclosed in the writ petition.

In view of the facts and circumstances discussed hereinabove, this petition stands dismissed with costs of ₹5,000/- to be paid by the petitioner in favour of the High Court Legal Services Committee.

(MAHABIR SINGH SINDHU)
JUDGE

January 29, 2021

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No