

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

CWP-16380-2021

Date of Decision: 23.08.2021

Haryana Self Finance Private College Association

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Parveen Gupta, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner-association has challenged communication dated 20.08.2021 (Annexure P-4), whereby its members have been directed to fill up a proforma and be ready for a surprise inspection in the week i.e. 23.08.2021 to 27.08.2021.

It is submitted that respondent No.2 had sent a communication dated 09.07.2021 to respondent No.3 asking it to take cognizance of complaint dated 19.10.2020 (Annexure P-1) filed by the Chief Minister Flying Squad stating that certain Pharmacy Institutions are conducting their courses without making the students attend classes. Thereafter, more than one month has elapsed and suddenly on 20.08.2021, a nine page proforma has been directed to be filled up before the inspection. This would bring the functioning of the members of the petitioner to a standstill as great number of details have to be mentioned in the said proforma. Moreover, all members of the petitioner-association are not required to be subjected to a surprise inspection as the complaint dated 19.10.2020 is only against four institutions named therein. Still further, the communication dated 20.08.2021 is without jurisdiction as only the Pharmacy Council of India (respondent No.4) has the authority to conduct inspection.

The submissions are misconceived. A perusal of the complaint dated 19.10.2020 (Annexure P-1) shows that four institutions have been specifically named but the complaint is generally regarding Pharmacy Colleges in Panchkula and other District in the State of Haryana. Thus, it is factually incorrect that there is no complaint against other members of the petitioner-association.

The next argument that very little time has been given to the members of the petitioner-association to prepare for the surprise inspection and that the said action is arbitrary has to be rejected on the short ground that the entire purpose of a surprise inspection would be lost, if institutions were given more time to prepare. The appropriate authority has given time as it thought fit. The communication dated 20.08.2021 has been sent on a Friday enabling the institutions concerned to work over the weekend and prepare themselves. Thus, the action cannot be termed to be arbitrary.

Finally, it has been submitted that the communication dated 20.08.2021 is without jurisdiction. Reliance has been placed upon Section 16 of the Pharmacy Act, 1948, which empowers the Executive Committee of the Pharmacy Council to carry out inspections. The said provision does not bar respondent No.3 i.e. the affiliating authority from also carrying out inspections. The argument is thus without merit.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

23.08.2021
Poonam Negi

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No