

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7068 of 2022

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Baba Rajaram College of Education, Matasi, Halsi, Lakhisarai through its Director namely Shravan Kumar (Male), aged about 39 years, son of Anandi Singh, Resident of Ward No. 6, Near Shiv Temple, Matasi, P.S.-Halsi, District-Lakhisarai.

... .. Petitioner

Versus

1. Munger University Munger through its Registrar.
2. The Vice Chancellor, Munger University, Munger.
3. The Registrar, Munger University, Munger.
4. The Examination Controller, Munger University, Munger.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 7100 of 2022

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Jamui College of Pharmacy, Jamui through its Director namely Rajiv Ranjan Kumar (Male), aged about 35 Years, Son of Uday Shankar Singh, Resident of Village-Khaira, P.S.-Kharsari, District-Nawada.

... .. Petitioner

Versus

1. Munger University, Munger through its Registrar.
2. The Vice Chancellor, Munger University, Munger.
3. The Registrar, Munger University, Munger.
4. The Examination Controller, Munger University, Munger.

... .. Respondents

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Appearance :

(In Civil Writ Jurisdiction Case No. 7068 of 2022)

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Ritesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 7100 of 2022)

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Ritesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 07-07-2022

1. Heard the parties.

2. Both the counsels appeared before this court are ad



idem let the issue involved in the present writ petition stands disposed of and finally adjudicated vide judgment dated 31.03.2022 in C.W.J.C. No.19063 of 2021, A and E College of Pharmacy Vrs. Lalit Narayan Mithila University and others and pray that the directions be issued to cover the present case with the directions as given therein.

3. In A and E College of Pharmacy, this court has held as under:-

“Delay in conducting examination has a direct as well as cast cascading effect on the future career of the students. The inaction on the part of the University would cause discrimination with the students as other Universities in India have conducted examinations or promoted the students, directly during Covid-19 pandemic, merely on account of the laxedicical approach of the L.N.M.U. the students of the institution would be deprived for applying for future examinations or for service as their entire course has been delayed. After the first year examination are conducted the students would naturally have to undergo studies for the second year. Those who are admitted in 2019-20 and 2020- 21 have already completed two years while even one year of their examinations has not been concluded. Such action is found to be illegal and arbitrary. University has to put its house in order and be abreast with the other Universities in the country. It is informed that the Regulations framed by Aryabhyat Knowledge University, which is also



State-University of Bihar, have already come into force. The said Regulations would of-course be inconsonance with the Regulations of 2014 (supra) laid down by Pharmacy Council of India. The course of studies has also been already prescribed. Thus, this Court does not find any difficulty in directing the University to take steps to conduct the examination of the students in terms of the schedule as laid by the Pharmacy Council of India known as the Bachelor of Pharmacy 'B' Pharm course Regulation, 2014. If there is any area of doubt with regard to conducting of examination, the University can always adopt the existing Regulations of Aryabhat Knowledge University and sister University of Bihar.

Considering the aforesaid and taking into consideration that the institute stands duly recognized from the required bodies and has also been granted NOC by the State Government there is no occasion for the State Government to further interfere as it is the Pharmacy Council of India alone which can recognize or derecognize the institute in (2020) 10 SCC 657 (supra)

“12.5 : Thus, considering the various provisions of the Pharmacy Act and the regulations made therein, it can be said that the Pharmacy Act is a complete code in itself in the subject of pharmacy. PCI has been constituted as a body empowered to regulate the education and profession of pharmacy in India. It cannot be disputed that the subject of pharmacy is a special and not a general subject. From the relevant provisions of the Pharmacy Act, more particularly, the provisions referred to



hereinabove, the Pharmacy Act exclusive covers all areas inclusive of approval course, laying down course content, eligibility conditions for students as well as teachers, evaluation standards of examination, grant of registration, entry of higher qualification in the same discipline, taking action for infamous conduct, etc. It also contains a penal provision. Thus, the legislative intent in enacting the Pharmacy Act seems to be to ensure that there is seamless regulation of the profession. To carry out the objective and purpose for enacting the Pharmacy Act, the legislature has established under the statute the autonomous statutory authority i.e. Pharmacy Council of India. Thus it can be said that in the field of pharmacy, the Pharmacy Act is a special law.” In view of above it is directed that the University shall take steps to decide whether to promote the petitioner directly or to conduct an examination. If it takes a decision to promote the petitioner directly, approval from the Pharmacy Council of India shall be taken. If the University takes a decision to conduct an examination, it is directed that the examination shall be conducted in terms of the Schedule laid by the Pharmacy Council of India under Regulations of 2014 and the Regulations of Aryabhat Knowledge University may be adopted for the purpose of conducting of examination. Decision as aforesaid shall be taken by the University within a period of 15 days from today, the Schedule of examinations, if conducted, shall be laid down to be conducted within a period of two months.”

4. In the present case, the college stands duly



recognized by the Pharmacy Council of India and is duly affiliated from respondent Munger University, Munger. The session has already commenced from 2021 and the students have already completed their educational course. In the circumstances, their examination was required to be conducted.

5. Keeping in view the aforesaid facts, it is directed that the order passed by this court, as quoted above, shall apply mutatis mutandis on the respondents in the present case too and the respondent university shall proceed accordingly.

6. The writ petition is allowed as above.

(Sanjeev Prakash Sharma, J)

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Item no.56+57

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