

Court No. 22
22.12.2022
(Item No. 35)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 27837 of 2022

SSKM College of Pharmacy
VS
The State of West Bengal & Ors.

Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Ms. Sayoni Karar
..... for the petitioner
Mr. Swapan Kumar Datta
Mr. Tapas Kumar Dey
.....For the State
Mr. Tarunjyoti Tewari
.... For Pharmacy Council of India

Two affidavits of service filed in Court today,
are taken on record.

The petitioner is a **Pharmacy College** which
imparts education for the stream **D-Pharma**. On
June 28, 2022, **Annexure P-1** to the writ petition and
July 15, 2022, **Annexure P-2** to the writ petition the
petitioner received Consent of Affiliation from
respondent No. 4. The latest of such consent of
affiliation, **Annexure P-2** to the writ petition provided
the following clause:

***“The West Bengal State Council of
Technical and Vocational Education and Skill
Development has no objection for issuing Consent
of Affiliation for the above-named Institution
related to opening of new diploma course subject
to the grant of approval by the Pharmacy Council
of India (PCI), New Delhi under section 12 of the
Pharmacy Act 1948 and subject to physical
inspection/verification of all infrastructure and
facility at the time of grant of affiliation.*”**

Liabilities, if any, on this count shall be the sole responsibility of the Applicant of the Trust and shall be settled as per the Rules and Regulations as applicable.”

Following the said clause the petitioner had already received the approval from the respondent No. 5, **Annexure P-7** to the writ petition and the relevant extract is available for the petitioner college against **serial No. 14** at **page 73** to the writ petition. The balance stipulation in terms of the said provision under the Consent of Affiliation was a physical inspection/verification of all infrastructure and facility was required to be carried out before granting affiliation.

Mr. Swapan Kumar Datta, learned Additional Government Pleader, on instruction, informed this Court that, today the respondent No. 4 had arranged for such physical inspection/verification of the infrastructure and facility of the petitioner college and the result is not known to him at present. Such physical inspection was done only upon payment of the inspection fees by the petitioner college on December 15, 2022.

The learned Government Pleader further referring to prayer (b) to the writ petition contended that, this writ petition is otherwise premature and until the affiliation is finally approved and granted by respondent No. 4. The question of considering prayer (b) to the writ petition i.e. for offline counseling of

merit listed candidates for PET 2022 for the academic year 2022-2023 for the course D-Pharma cannot be gone into.

Mr. Tarunjyoti Tewary, learned advocate appearing for respondent No. 5 has confirmed this Court that, necessary approval has been issued by his client in favour of the petitioner. Mr. Tewary also drew attention of this Court to an order passed on October 21, 2022 by the Hon'ble Supreme Court in the matter of ***W.P.(C) No. 888 of 2022 – N. K. College of Pharmacy & Ors. Vs. Pharmacy Council of India & Ors.*** and submitted that, following the dictum of the Supreme Court the respondent No. 5 had complied its obligation.

Considering the submissions made on behalf of the parties and considering the materials on record this Court is of the view that, this writ petition can be disposed of considering the fact that, **the last date of admission has been fixed by the Hon'ble Supreme Court on December 30, 2022** with the following observations:

(a) As submitted by the learned Additional Government Pleader that, the respondent No. 4 is due to conduct today the physical inspection/verification of all the infrastructure and facility of the college for grant of affiliation, in the event, the finding of the respondent No. 4 upon such inspection/verification goes in

favour of the petitioner then the respondent No. 4 shall issue the necessary affiliation in favour of the petitioner after complying all the relevant Rules and Regulations positively on or before December 24, 2022 and shall communicate the same to the petitioner in writing on the same day.

(b) In the event, the said affiliation is granted to the petitioner, then the respondent No. 4 shall allow the petitioner to under take all the necessary and consequential further steps for commencing the D-Pharma course strictly in accordance with law.

It is made clear that this order shall not create any equity or right in favour of the petitioner if, the petitioner is found ineligible in accordance with law at any stage.

It is also made clear that, this Court has not gone into the merit of the claim of the petitioner and the same shall depend upon the observation and direction made by this Court hereinabove.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

The respective learned advocates appearing for the parties shall be at liberty to communicate gist of this order to their respective clients without even waiting for the server copy of this order.

On the above terms, this writ petition being
W.P.A. 27837 of 2022 stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if
applied for, be supplied to the parties expeditiously on
compliance of usual legal formalities.

(Aniruddha Roy, J.)