

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

WRIT PETITION NO.10892 OF 2021

Shubham Sanjay Jogdande & others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr. Anand S. Deshpande, advocate for the petitioners.

Mrs. R. P. Gour, AGP for Respondent No.1 & 3.

Mr. R. M. More, advocate for Respondent No.2.

Mr. S. S. Agrawal, advocate for Respondent No.4.

Mr. V. D. Hon, Senior Counsel i/by Mr. A. V. Hon, advocate for Respondent No.5.

Mr. S. B. Deshpande, advocate for PCI.

**WITH
WRIT PETITION NO.3934 OF 2022**

Shiva Trust's Gajanan Maharaj
College of Pharmacy

Petitioner

Versus

The Pharmacy Council of India & others

Respondents

Mr. V. D. Hon, Senior Counsel i/by Mr. V. A. Hon, advocate for the Petitioner.

Mr. S. B. Deshpande, advocate for Respondent No.1.

Mr. R. M. More, advocate for Respondent No.2.

Mr. S. S. Agrawal, advocate for Respondent No.3.

**WITH
WRIT PETITION NO.3938 OF 2022**

Shiva Trust's Rajeshbhaiyya Tope
College of Pharmacy

Petitioner

Versus

The Pharmacy Council of India & others

Respondents

Mr. V. D. Hon, Senior Counsel i/by Mr. V. A. Hon, advocate for
the Petitioner.

Mr. S. B. Deshpande, advocate for Respondent No.1.

Mr. R. M. More, advocate for Respondent No.2.

Mr. S. S. Agrawal, advocate for Respondent No.3.

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 29 June, 2022.

PC :

By this petition, the petitioners are seeking a direction to the Respondents to enable them to get the Maharashtra State Pharmacy Council ('MSPC') registration as registered Pharmacists and to make available names of the Institutions i.e. Gajanan Maharaj College of Pharmacy and Rajeshbhaiyya Tope College of Pharmacy on the website of the Maharashtra State Pharmacy Council.

2 We have heard learned Counsel for the parties and perused record.

3 The learned Senior Counsel for the petitioners has placed reliance on the decision of the Hon'ble Supreme Court in **Pharmacy Council of India Vs. Dr. S. K. Toshniwal Educational Trust's Vidarbha Institute of Pharmacy & others**, (2021) 10 SCC 657, in order to submit that the issue, as involved in these petitions, is settled by the Hon'ble Supreme Court. It is submitted that although the Pharmacy Council of India ('PCI') has been granted primacy insofar as the sanction of the intake capacity over All India Council of Technical Education ('AICTE') in the Colleges of Pharmacy, in respect of the students who have already been admitted over and above the intake capacity, as sanctioned by the PCI, the Hon'ble Supreme Court has clarified that the decision would not affect such students.

4 The relevant para 21 of the judgment in **Pharmacy Council of India** (*supra*), reads thus:

“21. Now the next question which is required to be considered is with respect to students already admitted pursuant to the orders passed by this Court and the High Courts concerned. The conflict and the dispute arose because despite refusal by PCI, AICTE increased the intake

capacity in the respective institutions, which were not approved by PCI. By the interim orders, this Court and the respective High Courts have directed to allow those students to appear in the examinations and to register them as pharmacists. Such interim orders are also made final. Therefore, the present decision shall not affect those students admitted in the increased intake capacity and/or pursuant to the interim orders passed by this Court and/or final judgments and orders passed by the respective High Courts. PCI is therefore directed to give consequential benefit of registration to such students. However, at the same time, all pending applications for increase in intake capacity and/or for recognition and/or approval of course/institutions in pharmacy shall be as per the provisions of the Pharmacy Act, 1948 and the regulations, if any, thereunder and as per the norms and regulations fixed by PCI.”

5 The learned Senior Counsel for the petitioner has pointed out that the PCI has already granted registration to such of the students who are not before the Court.

6 The learned Counsel appearing for the Respondent-PCI, in all fairness, states that in view of the decision of the Hon’ble Supreme Court and in particular, para 21 of the judgment, this Court may pass appropriate orders.

7 In the result, we direct the Respondent-PCI to provide relevant tag on its website to the Institutions, namely (1) Gajanan Maharaj College of Pharmacy and (2) Rajeshbhaiyya Tope College of Pharmacy, within a period of one week from today so as to enable these Institutions to upload the information regarding the students for the purpose of obtaining registration. The PCI shall consider the issue of registration of the students within one week thereafter.

8 Writ petitions are disposed of with no order as to costs.

Pending Civil Applications do not survive and stand disposed of accordingly.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

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