

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

29 WRIT PETITION NO.11862 OF 2019

OM SAI PRATISHTHANS VARAD COLLEGE
OF PHARMACY THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. V.D. Sapkal i/by. Mr. R.N. Khedkar
AGP for Respondent / State : Mr. S.B. Yawalkar
Advocate for Respondent No.2 : Mr. C.V. Dharurkar
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 19-09-2022

ORAL ORDER (PER SANDEEP V. MARNE, J.) :

. By the present petition, the petitioner challenges the communications dated 17.07.2019 and 09.09.2019 by which the moratorium was imposed on opening of new pharmacy colleges for running diploma as well as degree courses for a period of five years beginning from the academic year 2020-2021. The said communications came to be set aside *inter alia* by the Karnataka High Court by its judgment and order dated 19.11.2020 in Writ Petition No.52314 of 2019. The said decision of the Karnataka High Court has now been upheld by the Apex Court in its judgment and order dated 15.09.2022 passed in Civil Appeal No.6681 of 2022. Thus, the communications dated 17.07.2019 and 09.09.2019 now do not

survive.

2. In prayer clause 'F' of the petition, the petitioner has sought a direction to the respondents to accept its form for inspection for the year 2020-2021 to open pharmacy college and its courses. Mr. Sapkal, learned Senior Advocate appearing for the petitioner relied on para - 4 of the judgment of the Apex Court dated 15.09.2022, which reads thus:

'4. The writ petitions filed by the Institutions before the three High Courts challenged the validity of the said moratorium and also prayed for a direction to be issued to the appellant – PCI to grant approval for opening new pharmacy institutions imparting pharmacy courses for the ensuing academic year of 2022-2023 on the basis of inspection conducted by the PCI in February 2020 and to not insist on fresh applications from the institutions pursuant to the PCI's circular of 3rd July 2022, which was issued in compliance of the interim order of this Court dated 31st May 2022 passed in Special Leave Petition (Civil) No.4862 of 2022.'

3. He, therefore, submits that the petitioner's pending application is required to be considered without insisting for submission of a fresh application for the year 2022-2023 and on the basis of the inspection already conducted.

4. In view of the above, the following order is passed.

ORDER

(i) Writ Petition is allowed with a direction that the petitioner's pending application be considered without insisting for submission of a fresh application for the year 2022-2023 and on the basis of the inspection already conducted.

5. Needless to say that the petitioner's application would be considered in accordance with the rules and regulations.

6. The Writ Petition is accordingly disposed of.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)