

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17605 of 2022

Bhagwati Singh Memorial Institute for Professional Studies (Pharmacy)
Village- Jigna, Bhabhua- Chandauli Road, P.S. Chand, District- Kaimur
through its Authorized Signatory namely Dhiraj Kumar Singh (Male), aged
about- 47 years, Son of Late Dr. Dharendra Bahadur Singh, Resident of N
76/2, J- 180R, Indira Nagar, Chitapur, P.S.- Lanka, District- Varanashi, Uttar
Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in- Chief, (Medical Education), Health Services, Health Department, Government of Bihar, Patna.
4. The Officer on Special Duty, Health Department, Government of Bihar, Patna.
5. Diploma in Pharmacy Examination Committee through the Chairman, Health Department (Medical Education), Government of Bihar, Nalanda Medical College Campus, Patna.
6. The Controller of Examination, Diploma in Pharmacy Examination Committee, Health Department (Medical Education), Government of Bihar, Nalanda Medical College Campus, Patna.
7. Pharmacy Council of India through its Registrar, MBCC Centre, 3rd Floor, Plot No. 2, Community Centre, Maa Anandmayee Marg, Okhla Phase- I, New Delhi- 110020.
8. The Registrar, Pharmacy Council of India, MBCC Centre, 3rd Floor, Plot No. 2, Community Centre, Maa Anandmayee Marg, Okhla Phase- I, New Delhi- 110020.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik
For the Respondent/s	:	Mr. Pankaj Kumar (Sc12)
For the P.C.I	:	Ms. Parul Prasad (Sc for PCI)
For the State	:	Mr. Kamlesh Kishore (Ac to Sc12)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 02-12-2023

1. Heard the parties.

2. The petitioner/Institute has filed the present writ application being aggrieved by the Memo No. 1110 (17) dated 25.11.2022 issued by respondent No. 3 whereby the concerned authority has mechanically rejected the application, for no objection, filed by the petitioner to conduct and start the B.



Pharma and D. Pharma courses through the petitioner/Institute.

3. Learned counsel for the petitioner submits that the application for no objection certificate for starting B. Pharma and D. Pharma courses have been rejected, without application of mind, on the ground that petitioner has failed to remove the discrepancies which were found in his application and the same was not in order. In the same communication, it has been stated that the petitioner may submit an online application for the Session 2024-2025

4. Learned counsel for the State submits that if for the next academic session, the petitioner/Institute files an online application, the same would be considered in accordance with law and an appropriate decision shall be taken thereof by the respondents as early as possible.

5. I have heard learned counsel for the parties, I have been informed at the Bar that admission for the session 2024-25 of B. Pharma and D. Pharma after recognition, will commence from August 2024. As such, all the formalities, such as no objection and recognition for the Institute, has to be completed prior to August, 2024. The petitioner is ready to submit a fresh application for grant of no objection, before the State Government, through online process for the Session 2024-25.



The submission of the learned counsel for the petitioner is that the portal, for filing online application, for grant of no objection has not opened.

6. Taking into consideration, the nature of dispute involved, I direct the respondent/State to open the portal, for inviting application, for no objection, for the Session 2024-25, as early as possible preferably within a period of one month from today. The petitioner is given liberty to apply online for grant of no objection to the Institute. The State/respondents are directed to consider the application submitted online for no objection by the petitioner/Institute within a period of two months from the date of receipt of the online application.

7. It is made clear that on technical ground, of having some discrepancy in the application submitted by the petitioner/Institute, the application shall not be rejected outrightly and adequate opportunity shall be given to the petitioner to rectify/remove the discrepancy.

8. With the aforesaid observation and direction, the present application is disposed.

(Anil Kumar Sinha, J)

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