

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

908 WRIT PETITION NO. 9522 OF 2023

SHRI SAIJANVIKAS PRATISTNAS R. P. COLLEGE OF
PHARMACY THROUGH PRINCIPAL SUBHODH VISHNUKANT KAMBLE
VERSUS
PHARMACY COUNCIL OF INDIA THROUGH ITS REGISTRAR
AND OTHERS

...
Advocate for Petitioner : Mr. Bagul Dnyaneshwar Suresh
Advocate for Respondent No. 1 : Mr. S.B. Deshpande Senior Advocate
i/b. Mr. Shreyash S. Deshpande
Advocate for Respondent Nos. 2 & 3 : Mr. Reddy Ajinkya S. Addl. GP for
Addl. G. P. for Respondent No. 4 : Mr. P.S. Patil
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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 04 AUGUST 2023

PER COURT :

Heard learned Advocate for the petitioner, learned Senior Advocate Mr. Deshpande, for respondent no. 1 – Pharmacy Council of India, learned Advocate Mr. Reddy, for respondent nos. 2 and 3 and learned Addl. G.P. Mr. Patil, for respondent no. 4.

2. The petitioner which runs a B Pharmacy College as well as D Pharmacy College having intake capacity of 100 and 60 students respectively, intends to take part in the on going admission process being conducted by the respondent no. 4 for the academic year 2023-2024.

3. Learned Advocate for the petitioner submits that the above mentioned two courses are duly approved by the Pharmacy Council of

India. Even in the previous years. Petitioner had participated in the admission process. For the current year, respondent no. 4 has not allowed its name to appear in the admission process on the ground that there is no approval of the PCI. He would submit that by a general communication addressed by the PCI to all Pharmacy Institutions dated 16 March 2023 (exhibit 'C'), it has been expressly mentioned regarding extension of approval for existing courses for the year 2023-2024 academic session in respect of those Institutions which are approved by PCI as per the approved course and intake for the previous year i.e. 2022-2023. The reference, therein, in respect of inspection through out the year is only with regard to the decision for 2024-2025 academic session. Learned Advocate further submits that the copy of this communication was sent to the respondent no. 4, still it is not being considered.

4. Learned Senior Advocate Mr. Deshpande, for the Pharmacy Council of India submits that it has no objection for the petitioner's participation in the on going admission process.

5. Learned Additional GP for respondent no. 4, on instructions, submits that in spite of several communications, the petitioner has not co-operated in forwarding requisite documents precisely the PCI decision letter and the University affiliation is not forthcoming from the petitioner, otherwise the respondent no. 4 does not have any impediment

in permitting the petitioner to participate in the on going admission process.

6. It appears that the University, to which the petitioner is affiliated has issued a communication to the respondent no. 4 on 12 July 2023, forwarding a list of Pharmacy Institutes affiliated to it, which would be participating in the admission process for the year 2023-2024. It also appears that unlike the rest of the institutions, against the name of the petitioner it has been mentioned in the last column that the PCI approval was not received.

7. As has been rightly pointed out by the learned Advocate for the petitioner the petitioner already by its e-mail dated 18 July 2023 (exhibit 'I') has informed the respondent no. 4 that all the essential documents were uploaded and has even expressed its intention to comply with the other requirement of furnishing decision letter to be received from the Pharmacy Council of India.

8. There seems to be some confusion and communication gap between all these entities. The learned Senior Advocate for the Pharmacy Council of India pursuant to the document at page no. 55 (exhibit 'C') has expressly mentioned that the Pharmacy Council has granted approval to the petitioner for the current academic year in respect of the B

Pharmacy and D Pharmacy with intake capacity of 100 and 60 respectively. In our considered view this puts everything at rest.

9. Incidentally, in respect of the D Pharmacy course being undertaken by the petitioner, the respondent no. 4 has permitted it to participate in the on going process. One cannot comprehend such an anomalous situation where the petitioner which runs both the courses B Pharmacy and D Pharmacy requiring approval of the Pharmacy Council of India has been allowed to participate in the admission process only for the D Pharmacy and not for B Pharmacy course by the respondent no. 4.

10. Be that as it may, we dispose of the Writ Petition by directing respondent no. 4 to permit the petitioner to participate in the on going admission process after B Pharmacy course. Necessary steps shall be taken urgently. Learned Advocate for the respondent no. 4 shall communicate this decision to respondent no. 4.

11. Parties to act on the authenticated copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]