

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7583 of 2024

Champaran College Of Pharmacy Gulariya, P.O.-Katahan, Motihari, District-East Champaran through the Trustee of Innovative Welfare and Educational Trust, Tabrez Ahmad, Aged about 42 years male, Son of late Ezaz Ahmad resident of Village and P.O.- Purainiya, P.S.-Darpa District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Examination Controller, Diploma in Pharmacy Examination Committee, Health (Health Education) Department, Nalanda Medical College Campus, Patna-800026.
3. The Pharmacy Council of India, through Registrar-Cum-Secretary, NBCC Centre, 3rd Floor, Plot No. 2, Community Centre, Maa Annandmai Marg, Okhla Phase- I, New Delhi-1100020.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Sinha, Adv.
For the State	:	Mr.Government Advocate (11)
For PCI	:	Mrs. Parul Prasad, Adv.
		Mr. Ankit Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Pharmacy Council of India.

2. The present writ application has been filed for the following relief/s:-

“(i) For necessary direction upon the respondent authorities of the Pharmacy Council of India to grant approval for D. Pharm course in the petitioner Institution in the academic session of 2021-22 and 2022-23 as the reason for denial of



such approval is no more in existence inasmuch as the Examination Controller, Diploma in Pharmacy Examination Committee has granted consent of affiliation to the petitioner Institution for the academic session of 2020-21 and he has ordered that the consent of affiliation for the academic session of 2021-22 and 2022-23 will be granted after approval given by the PCI.

(ii) For holding that the delay in issuance of consent of affiliation by the Examination Controller, Diploma in Pharmacy Examination Committee was due to the delay in issuance of no objection certificate by the State Government, which led to filing of the writ application by the petitioner bearing CWJC No. 8152/2022, ultimately it could be issued on 07.12.2022 w.e.f. the academic session of 2020-21 and thereupon the Examining Body issued consent of affiliation on 10.12.2022.

(iii) For necessary direction upon the Examination Controller, Diploma in Pharmacy Examination Committee to conduct the examination of the students, who have taken admission in the petitioner Institution in D.Pharm course in the academic session of 2021-22 and 2022-23, pursuant to grant of approval by the PCI.

(iv) For necessary direction upon the Examination Controller to not to conduct the examination for D. Pharm course for the academic session of 2021-22 and 2022-23 during the



pendency of this writ application as the students, who have taken admission in the petitioner Institute will remain deprived from participation in the examination. Alternatively he may be directed to extend the last date of submission of the examination from 01.07.2024 so that the students admitted in the petitioner Institution may also be allowed to participate in the examination as the petitioner is unable to get the examination form of the students submitted for want of approval by the PCI for the academic session of 2021-22 and 2022-23.

(v) For any other direction which may deem fit and proper in the facts and circumstances of the case.”

3. The present matter has been heard in details by this Court and during the course of argument, concern has been raised for the students of the Academic Session 2021-22 and 2022-23 enrolled in D.Pharm Course with the petitioner's college as the college does not have the approval for conducting D.Pharm course and it will affect the future of the students.

4. In this regard, it is observed that for the sake of the future of the students, the concerned respondent Authority is required to allow the students to appear in the examination and PCI is also, directed to give consequential benefit of registration to



such students.

5. Considering the above discussions, the respondents are directed to abide by the decision of this Court unconditionally. However, the present case shall be treated as an exception and all pending applications for grant of recognition and/or approval of course/institutions in the Pharmacy shall be dealt with as per the provisions of the Pharmacy Act, 1948 and the regulation there under and as per the norms and regulation fixed by the respondent PCI.

6. The respondent no.2 is directed to grant permission to conduct the examination of the concerned students within a period of ten days from today.

7. With the aforesaid observation, this writ application is disposed for.

(Anjani Kumar Sharan, J)

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