

D/L.12.
April 24, 2024.
MNS.

WPA No. 4827 of 2024

Anindya Agasty and another
Vs.
The State of West Bengal and others

Mr. Tanmoy Basu,
Ms. Aparajita Mitra

... for the petitioners.

Mr. Suman Ghosh,
Mrs. Munmun Tewary

...for the State.

1. The petitioner no. 1, as a treasurer of petitioner no. 2, sought for affiliation to the Aryabhatta Institute of Pharmacy. After having so applied, approval was granted initially by the Chief Administrative Officer, West Bengal State Council of Technical & Vocational Education and Skill Development, subject to the grant of approval by the Pharmacy Council of India under Section 12 of the Pharmacy Act, 1948 and subject to the physical inspection/verification of all infrastructure and facility at the time of grant of affiliation.
2. Subsequently, the Pharmacy Council of India has given an approval letter, which is annexed at page 20 of the writ petition. Thereafter, on

inspection, certain infrastructural deficiencies were pointed out.

3. The petitioners subsequently gave a compliance report regarding the deficiencies. However, a re-inspection was carried out soon after the communication of the previous deficiencies and it was found that the 'Fume Chamber' in the laboratory was not yet ready.
4. Learned counsel for the petitioners points out that the first inspection was carried out on November 24, 2023 but the communication of deficiencies was made only on December 27, 2023. Since the re-inspection was carried out on January 9, 2024, the petitioners did not get sufficient time to make good the deficiencies.
5. However, by now the Fume Chamber has been constructed and the entire installations and proper facilities are in place.
6. Accordingly, the petitioners gave a representation on February 15, 2024, a consideration of which is sought in the writ petition.
7. Although the State is represented through counsel along with the petitioners, none appears for the other respondents despite service on all except respondent no. 2. The affidavit-of-service filed in Court today be kept on record.

8. It transpires that the main grievance is against the respondent no. 4, who is the Chief Administrative Officer, West Bengal State Council of Technical & Vocational Education and Skill Development, Department of Technical Education, Training & Skill Development, Government of West Bengal.
9. The purpose of justice would suffice if the petitioners' representation dated February 15, 2024 annexed at page 58 is considered and a fresh inspection is held at the behest of the respondent no. 4 to consider whether the petitioners' infrastructure and facility is now ready for approval.
10. Accordingly, WPA No. 4827 of 2024 is disposed of by directing the respondent no. 4 to ensure that a fresh inspection is held to ascertain whether the petitioners have made good the deficiencies pointed out by the respondent no. 4 on the previous occasions.
11. Upon holding such inspection after serving a proper notice to the petitioners, the respondent no. 4 shall take a call as to whether the petitioners' infrastructure is now ready for grant of approval to the petitioners.
12. Such entire exercise, it is expected, shall be concluded within a month from date and the

outcome thereof intimated to the petitioners
immediately thereafter in writing.

13. There will be no order as to costs.

14. Urgent photostat certified copies of this order,
if applied for, be made available to the parties
upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)