

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101)

CWP-2351-2023

Date of decision:- 10.01.2024

Manoj

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Aman Bahri, Additional Advocate General, Haryana
for respondent No.1.

Mr. S.K.Sharma, Advocate with
Mr. Rajat Sharma, Advocate
for respondent No.2.

Mr. Gopal Sharma, Advocate
for respondents No.3 and 4.

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SUVIR SEHGAL, J. (Oral)

1. By way of present writ petition, petitioner has approached this Court under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing impugned order dated 31.05.2022, Annexure P-10, passed by respondent No.4. Another prayer has been made for issuance of a writ in the nature of mandamus directing respondent No.4, to enter the name of the petitioner in the register of Haryana State Pharmacy Council, and to issue a licence to him.

2. Counsel for the petitioner submits that petitioner acquired B. Pharmacy Degree, in the year 2021 from Sunrise University, Alwar, which is an institute approved by the Pharmacy Council of India, vide letter dated 10.04.2020, Annexure P-5. He submits that petitioner submitted an online application for registration under the Pharmacy Council of India Act, 1948 (for short "the Act") by depositing the requisite fee as also all the documents. However, respondent No.4, instead of entering his name in the register, has by impugned order, Annexure P-10, which has been passed in pursuant to direction given by this Court on 05.04.2022, Annexure P-9, has rejected his application by stating that the petitioner never appeared in person.

3. Advance copy of the petition has been served upon the respondents.

4. Mr. Gopal Sharma, Advocate, representing respondents No.3 and 4, submits that the application of the petitioner is pending and in order to determine the genuineness of the documents submitted by the petitioner, a communication was addressed to the Sunrise University, Alwar, and it has been asked to provide the list of the students and other details. Counsel submits that when no response was received, two officials were deputed by respondent No.4, who personally went to the office of the Sunrise University, Alwar, and they were told that the requisite information would be supplied by 15.01.2024. He submits that another communication has been sent to the Pharmacy Council of India, with the request for providing the list of students, who have passed the diploma/degree from the Sunrise University, Alwar, from the years 2012-2021, so that after verifying the documents, applicants can be registered.

5. Upon instructions, Mr. Aman Bahri, Additional Advocate General, Haryana, states that Sunrise University, Alwar, has been black-listed by the

6. Controverting submissions made by the counsel for the respondents, counsel for the petitioner submits that petitioner had appeared in person in the office of respondent No.4, and produced the original certificates.
7. Be that as it may, in order to ensure that the application of the petitioner is considered, it is directed that the petitioner shall appear in the office of respondent No.4, on 29.01.2024, at 11.00 a.m., along with all the original testimonials and other documents/certificates. In case, respondent No.4, receives the required information from the Sunrise University, Alwar, as well as respondent No.2, and is satisfied with the information received, it shall finally decide the case of the petitioner regarding registration within a period of 4 weeks of the receipt of the communication from the University as well as from respondent No.2. In case, respondent No.4, come to the conclusion that the petitioner cannot be registered and a licence cannot be issued to him under the Act, it shall pass a speaking order giving reasons for rejection.
8. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

10.01.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No