



\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 11.07.2024**+ **W.P.(C) 6438/2024 & CM APPL. 26853/2024****RAJENDRA KISHORI PHARMACY COLLEGE**Petitioner

Through: Mr. Neeraj Shekhar, Advocate

versus

PHARMACY COUNCIL OF INDIARespondentThrough: Mr. Ajay Kumar Singh and Mr.
Yatharth Singh, Advocates**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J. (ORAL)**

1. The present writ petition, under Article 226 of the Constitution of India, has been filed on behalf of the petitioner, seeking following prayers:

“...(a) Issue a writ of certiorari and quash the condition imposed by the Respondent upon the Petitioner to seek "Continuation of Approval" for academic session 2024-25 and for subsequent academic sessions for D.Pharm approved course by virtue of Clause 10(ii), (iii) & (iv) and Clause 11 (v) of the communication No.14-56/2022-PCI (Approval Process) for 2024-25 a.s)/5528 dated 14.12.2023 and clause 5 of the Approval Process Handbook-2024-25 issued by it, as the same are illegal and beyond the scope of the Pharmacy Act, 1948 and Regulations framed thereunder and also violative of Articles 14 and 19(1)(g) of the Constitution of India; and



(b) Issue and appropriate writ, order or direction and declare that the approval granted by the Respondent to the Petitioner under section 12 of the Pharmacy Act, 1948 for conducting D. Pharma course is permanent in nature subject to withdrawal under section 13 and other provisions of the Act and the Regulations and that the Petitioner is not statutorily obliged to seek "continuation of approval" for the said courses for any subsequent academic session till the time the approval so granted is in force; and

(c) Issue a writ of certiorari and quash Clauses 4 read with Annexure-IV of the "Scheme of approval of D.Pharma course framed by Respondent u/s 12 of the PCI Act, 1948 and the Education Regulations, 2020 for Diploma Course in Pharmacy" read with Clause 8 of the communication No.14-56/2022-PCI (Approval Process) for 2024-25 a.s)/5528 dated 14.12.2023 to the extent they seek to levy Pharmacy Education Regulatory Charges upon the Petitioner as the same is outside the scope of the Pharmacy Council of India Act, 1948 and violative of Article 14, 19(1)(g) and 265 of the Constitution of India; and the Pharmacy Council of India Act, 1948 and violative of Article 14, 19(1)(g) and 265 of the Constitution of India; and,

(d) Issue a writ of certiorari and quash the Decision Letter dated 06.08.2021, decision of 350 Executive Committee held on 30.06.2021 for academic year 2021-22 and the Decision Letter dated 08/08/2022 Decision of 371th Executive Committee for the academic year 2022- respectively issued by the Respondent to the extent the said decision restricts the grant of approval to the Petitioner for D. Pharma course for academic session 2021-22 and academic session 2022-23 and consequently direct the Respondent to issue formal letter of approval to the Petitioner for D. Pharma course by granting permanent approval without restriction of any time limit..”

2. At the outset, learned counsel appearing on behalf of the respondent



states that an identical issue in question, has been decided by the learned Predecessor Bench of this Court, and he has drawn the attention of this Court to judgment dated 01.07.2024, passed in W.P. (C) 744/2024 and connected matters, titled as “***Krishna Institute of Pharmaceutical Science and Research Vs. Pharmacy Council of India***”.

3. Learned counsel for the respondent further submits that the prayers which were adjudicated in the above-said judgment were identical to the prayers which have been sought in the present writ petition.

4. Learned counsel for the petitioner also submits that petitioner has no objection, if the same order is passed as passed, in W.P. (C) 744/2024, in this petition also.

5. This Court has heard submissions made on behalf of the petitioner and respondent.

6. In judgment dated 01.07.2024, passed in the case of ***Krishna Institute of Pharmaceutical Science and Research*** (*supra*), the learned Predecessor Bench has held as under:

“110. In view of the aforesaid discussion, paras 10(ii), (iii) and (iv) of the impugned communication dated 14 December 2023, as well as the provisions to that effect as contained in the Approval Handbook, are quashed and set aside.

111. It is hereby declared that the approval granted to the course of study conducted by an institution under Section 12(1) is to the entire course of study and not to any one year thereof.

112. Such approval, once granted, is to apply, subject it is being liable to be withdrawn in accordance with Section 13. The PCI has no power or authority to call on any institution to obtain continuation of the approval granted under Section 12(1) every year, nor can the PCI require the Institution to pay PERC on an yearly basis to obtain continuation of the



approval granted to the courses under Section 12(1).

113. The only exception is in the case of the M. Pharm course, for which the approval would have to be renewed after 5 years, as required by the M. Pharm Regulations.

114. The writ petition accordingly succeeds and is allowed.

115. There shall be no orders as to costs.

116. Any amount deposited by the petitioners with the respondent as per the orders passed by this Court, subject to the outcome of the writ petition, shall be returned by the respondent to the petitioners within four weeks.”

7. Since both the parties have stated in unison that same order, as extracted above, be also passed in the present writ petition, the present petition is therefore disposed of in terms of decision passed in the case of *Krishna Institute of Pharmaceutical Science and Research (supra)*, as far as it is applicable to the facts of the present writ petition.

8. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 11, 2024/ns