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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 11.07.2024

+ **W.P.(C) 9379/2024**

INSTITUTE OF PROFESSIONAL STUDIES SCHOOL OF
PHARMACYPetitioner

Through: Mr. R.K. Ruhil, Advocate.

versus

PHARMACY COUNCIL OF INDIARespondent

Through: Mr. Ajay Kumar Singh & Mr.
Yatharth Singh, Advocates.

+ **W.P.(C) 9380/2024**

PHONICS GROUP OF INSTITUTIONSPetitioner

Through: Mr. R.K. Ruhil, Advocate.

versus

PHARMACY COUNCIL OF INDIARespondent

Through: Mr. Ajay Kumar Singh & Mr.
Yatharth Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

CM APPL. 38524/2024 & CM APPL. 38525/2024 (exemption)

1. Allowed, subject to all just exceptions.



2. Applications stand disposed of.

W.P.(C) 9379/2024 & W.P.(C) 9380/2024

3. The present writ petitions, under Article 226 of the Constitution of India, have been filed on behalf of the petitioners, seeking identical prayers, which are as follows:

“a. issue a writ of certiorari for quashing and setting aside the clauses 10(ii), (iii) (iv) & 11 (v) of the notice dated 14.12.2023 issued by the respondent Pharmacy Council of India;

b. issue a writ of certiorari for quashing and setting aside the relevant clauses of the “Approval Process Handbook 2024- 2025”, in terms of which existing approved institutions are required to apply for, and obtain, continuation of approval;

c. issue an appropriate writ passing an order and directing the respondent to refund the Pharmacy Education Regulatory Charges (PERC) deposited by the petitioner pursuant to the notice dated 14.12.2023;”

4. Issue notice. Mr. Ajay Kumar Singh, learned counsel accepts notice on behalf of the respondent.

5. 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) 617/2024 and connected matters*, titled as “***SLS College of Pharmacy Vs. Pharmacy Council of India***”.

6. 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 petitions.



7. Learned counsel for the petitioners also submits that petitioners have no objection, if the same order is passed as passed, in W.P. (C) 617/2024, in these petitions also.

8. This Court has heard submissions made on behalf of the petitioners and respondent.

9. In judgment dated 01.07.2024, passed in the case of ***SLS College of Pharmacy*** (*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.”

10. Since both the parties have stated in unison that same order, as extracted above, be also passed in the present writ petitions, the present petitions are therefore disposed of in terms of decision passed in the case of *SLS College of Pharmacy (supra)*, as far as it is applicable to the facts of the present writ petitions.

11. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 11, 2024/at