

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11464 of 2024

The Aditya Integrated Education and Social Development Trust through the Secretary, Manoranjan Kumar, Opposite State Bus Stand, Kashi Takiya, Ranchi Road, P.S.-Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Vice-Chancellor, Bihar University of Health Sciences, Mithapur, Bihar, Patna.
3. The Registrar, Bihar University of Health Sciences, Mithapur, Bihar, Patna.
4. The Bihar Nurses Registration Council through its Registrar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4610 of 2025

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1. Mahadeva Lal Schroff College of Pharmacy, NS-22, 23 Growth Centre, BIADA, Near Bihar Cement Plant, Aurangabad-824101 (Bihar) through its Executive Director namely Vikas Kumar Singh, (Male), aged about-38 years, S/o Upendra Pratap Singh, Resident of Village-Kadain (Kadai) (Shahpur), P.S.-Kudra, District-Kaimur at Bhabhua.
 2. Vikas Kumar Singh, (Male), aged about-38 years, S/o Upendra Pratap Singh, Resident of Village-Kadain (Kadai) (Shahpur), P.S.-Kudra, District-Kaimur at Bhabhua presently working as Executive Director, Mahadeva Lal Schroff College of Pharmacy, NS-22, 23 Growth Centre, BIADA, Near Bihar Cement Plant, Aurangabad-824101 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, New Secretariat, Patna.
3. The Additional Secretary, Department of Health and Family Welfare, Government of Bihar, New Secretariat, Patna.
4. The Controller of Examination, D. Pharm Examination Committee, Health Department (Health & Education), Government of Bihar, NMCH Campus, Patna.
5. The Bihar University of Health Sciences, Mithapur, Patna through its Registrar.
6. The Registrar, Bihar University of Health Sciences, Mithapur, Bihar, Patna.



- 7. The Pharmacy Council of India, New Delhi through its Registrar.
- 8. The Registrar, the Pharmacy Council of India, New Delhi.

... .. Respondent/s

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Appearance :	
(In Civil Writ Jurisdiction Case No. 11464 of 2024)	
For the Petitioner/s	: Mr. Binit Kumar, Advocate
For the Respondent/s	: Mr. P. K. Shahi, Advocate General
For the Health Sciences	: Mr. Ajay, Sr. Advocate
	Mr. Sudhir Kumar, Advocate
For the PCI	: Mr. Parul Prasad, Advocate
	Mr. Aditya Anand, Advocate
For the BNRC	: Mr. Awadhesh Kumar Pandit, Advocate
(In Civil Writ Jurisdiction Case No. 4610 of 2025)	
For the Petitioner/s	: Mr. Amit Shrivastava, Sr. Advocate
	Mr. Ritesh Kumar, Advocate
For the Respondent/s	: Mr. P. K. Shahi, Advocate General
	Mr. Standing Counsel (24)
	Mr. Sudhanshu Shekhar, AC to SC- 24
For the Health Sciences	: Mr. Ajay, Sr. Advocate
	Mr. Sudhir Kumar, Advocate
For the PCI	: Mr. Parul Prasad, Advocate
	Mr. Aditya Anand, Advocate
For the BNRC	: Mr. Awadhesh Kumar Pandit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT
Date : 14-10-2025

Heard the parties.

2. For clarity, facts of both the cases are noted separately, hereunder.

C.W.J.C. No.11464 of 2024

3. The petitioner is a trust represented through its Secretary has approached this Court seeking quashing of the General Notice vide P.R. No.001398 (BQC) 2024-25 issued by the respondent-Bihar University of Health Sciences, Patna (for short ‘the University’) under the signature of its Registrar



informing that the institution imparting nursing courses of undergraduate degree as of Auxilliary Nurse and Midwife Course (A.N.M.) and Diploma courses in Pharmacy have to obtain recognition from the University concerned. The petitioner also sought a direction upon the concerned respondent to refund the affiliation fee deposited/paid by the institute to the respondent-University.

4. The institution duly established through a trust, actively involved in imparting training to nursing students through its private nursing and pharmacy schools got its affiliation from Indian Nursing Council, New Delhi and Pharmacy Council of India, New Delhi. The school of Nursing is named as the Mother Terasa School of Nursing, Biharsharif, Nalanda. The school of Pharmacy is named as Aditya Talhagat Institute of Pharmacy, Biharsharif, Nalanda. Both the schools are conducting diploma courses in the respective discipline.

5. After coming into force of University Act, 2021 (for short 'the Act, 2021') under Notification dated 9th of August, 2021 and Act No.19/2021, a general notice was published in the daily newspaper(s) that a private institution/college/school conducting nursing and pharmacy courses have to take recognition/no objection certificate for continuing its courses in



coming academic session.

6. In pursuant thereto, the petitioner deposited the prescribed affiliation fee of both the institutes along with all the relevant documents. In the list of institutions/schools to which the provisional affiliation has been granted, the name of the petitioner-institution/school did not find place. The petitioner having been realized upon the scrutiny of the law enumerated in the Act, 2021, the University is only authorized to grant affiliation to the institute which is conducting courses of Bachelor and Higher Degrees, not to the institute conducting course of Diploma and other certificate courses, have preferred the present writ petition by putting under challenge the general notice bearing no. PR001398 (BQC) 2024-2 (Annexure-9), whereby the institutes/schools were directed to get its affiliation from the respondent-University.

C.W.J.C. No.4610 of 2025

7. The petitioners-institutes, represented through their Executive Secretary have sought a direction by invoking the jurisdiction of this Court commanding upon the respondents, especially the Controller of Examination, D. Pharm Examination Committee to take steps towards registration and examination of the students of the petitioners-institution for



D. Pharm Courses for the Academic Session 2023-2024 in view of the approval granted by the Pharmacy Council of India, since the said course has been continuously running from the Session 2018 after getting approval of affiliation by the Controller of Examination, Diploma in Pharmacy and No Objection was also given by the Department of Health and Family Welfare, Government of Bihar.

8. The petitioners-institutions have been imparting D. Pharm Course since 2018 and the examinations were duly conducted till Session 2022-2023 without there being any hindrances. Further vide decision letter dated 31.05.2023 issued under the signature of the In-charge Registrar-cum-Secretary, the Pharmacy Council of India, approval was also accorded to the petitioners-institutions for running D.Pharm course for Academic Session 2023-2024 for an intake of 60 students. The name of the Examining Body has been mentioned as the Controller of Examination, Diploma in Pharmacy. Similar approval is accorded for the Academic Session 2024-2025 by the Pharmacy Council of India to the petitioners-institution. However, noticing the fact that D.Pharm course of Sessions 2023-2024 is running late and the registration and examination form filling dates has not been published, the petitioners



approached before the concerned authorities to do the needful. It has been informed through letter no.15/25 dated 07.01.2025 issued under the signature of Controller of Examination, Diploma in Pharmacy that in view of letter dated 28.03.2024 of the State Government, the consent of affiliation is not possible to be given for subsequent academic session. Besides, it has been informed that after coming into force of the Act, 2021, the Bihar University of Health Sciences, Mithapur has been duly established and all the self financed professional institution engaged/established for medical education in different sectors of Health Sciences within the State of Bihar will be deemed to be affiliated with the Bihar University of Health Sciences. In the aforesaid premise, this writ petition has been filed.

9. The seminal issues raised in both the writ petitions are one and identical; hence, the same are being considered and disposed off by a common order.

10. Mr. Binit Kumar, learned Advocate for the petitioner in C.W.J.C. No.11464 of 2024 has submitted that the University under the Act, 2021 has been only authorized to grant affiliation to the institutes, which are conducting course of Bachelor and Higher Degrees and not to the institute conducting course of Diploma and other smaller degrees. Taking this Court



through the Act, 2021, especially definitions clauses, it is submitted that there is no iota of confusion that the Act, 2021 clarifies that 'College' means a college teaching courses leading to a Bachelor or Higher degree in Modern System of Medicine, AYUSH systems of Education, Education on Laboratory Technology, Physiotherapy & Occupational Therapy, Speech Therapy and Education on the other Paramedical Courses and inter disciplinary areas such as Health Economics, health administration etc. Simultaneously, Section 2(xi) says that 'Courses' means courses leading to a Bachelor or Higher degree in relevant streams of Health Sciences and such other courses as notified by the Government in future. The Act, 2021 does not talk about diploma and other certificate courses. Moreover, the institute in question is already recognized by the Nursing Council of India and the Pharmacy Council of India for running the nursing courses and D.Pharm. The respondent-University cannot direct the institute(s) to get it affiliated with the Bihar University of Health Sciences, Mithapur after depositing prescribed fees.

11. Referring to Section 4(3), it is further submitted that the afore-noted prescription starts from non obstante clause having overriding effect to certain provisions over some



contrary provisions that may be found either in the same enactment or other enactment. The Act, 2021 clearly excludes diploma and certificate course, as it has not been included in the definition of “Course”. Reliance has also been placed on a decision rendered in **Union of India v. G.M. Kokil & Others, 1984 (Supp) SCC 196.**

12. Mr. Amit Shrivastava, learned Senior Advocate duly assisted by Mr. Ritesh Kumar, learned Advocate for the petitioners in C.W.J.C. No.4610 of 2025 have submitted that bare perusal of Section 2(viii) and (xi) of the Act, 2021, it is evident that the University does not have jurisdiction to take examination or grant certificate for Diploma courses. The University has got jurisdiction over the colleges imparting higher degrees in different streams of Modern System of Medicine. Similarly the University can take examination and award degrees/certificates to the institutions imparting Modern System of Medicine from Bachelor of Higher Degrees.

13. Presently, the petitioners-institutions have filed the writ petition to conduct examination of the students of D. Pharm courses, which is lower than the Bachelor Degree and only certificate is awarded. It is further contended that as per the guidelines issued by the Pharmacy Council of India, for change



of Examining Authority, the letter of disaffiliation and no objection certificate from previous Examining Authority and affiliation/consent letter of the new Examining Authority are required. In the present case, the petitioners will have to get disaffiliation letter from the department of health and family welfare and will then have to apply before the Bihar University of Health Sciences, Patna for grant of affiliation/consent of affiliation and No Objection for the Academic Session 2023-2024 and 2024-2025. Since there is no provision for grant of retrospective affiliation to any institution, the contention of the respondents to the effect that the petitioners will have to approach before the Bihar University of Health Sciences, Patna for grant of affiliation for taking examination is wholly without jurisdiction. The action of the respondents will ruin the careers of the students, who have already taken admission in the petitioners-institutions for the Academic Session 2023-2024 and 2024-2025 based on the approval granted by the Pharmacy Council of India for running D. Pharm courses.

14. Mr. Amit Shrivastava, learned Senior Advocate for the petitioners further contended that the petitioners-institutions have already made an application for grant of affiliation from the University for the Academic Session 2025-2026 but with



respect to the Academic Session 2023-2024 and 2024-2025, since the institutions have already got its approval from the Pharmacy Council of India for running D. Pharm course and the no objection and affiliation had already been granted by the State, the institutes in question cannot be subjected to affiliation again from the University for the previous Academic Sessions. It is further submitted that the letters issued by the State Government and the University directing the institutions and clarifying the position that the affiliation and examination related work for Para Medical/Para Dental/Pharmacy Diploma and Certificate Course and GNM/ANM will be done by the University is wholly illegal and, in fact, in conflict with the statute. No notification, much less letter dated 17.02.2023 whereby such clarification is made will prevail over the statute. In the Act and the Statute, it has been provided that the college/institution imparting self finance courses will have to apply in the prescribed proforma before the University and then only their application will be considered, subject to the institute/college fulfilling the requisite criteria for being affiliated. There is no provision in the Act or the Statute with regard to deemed affiliation with the University w.e.f. 01.04.2023. Reliance has also been placed on a decision



rendered by the Division Bench of this Court in the case of **Sri Ganesh Dutt Memorial College v. The State of Bihar & Ors.** [L.P.A. No.1404 of 2018 & another analogous case] that there cannot be retrospective affiliation. A decision of the co-ordinate Bench has also been placed to buttress the aforesaid submission rendered in the case of **Vijay Shankar Rai v. The State of Bihar & Ors.** [C.W.J.C. No.9940 of 2019].

15. Mr. P.K. Shahi, learned Advocate General along with Mr. Ajay, Senior Advocate for the University submitted that the Act, 2021 has been duly enacted by the State Legislature of Bihar and published in the Extraordinary Gazette vide Notification dated 09.08.2021. In pursuant to the Act, 2021 afore-noted, the University has been duly established in consequent to the notification issued by the Health Department, Government of Bihar vide Memo No.562(1) dated 28.07.2022. Subsequent thereto, the Health Department, Government of Bihar has issued a Notification vide Memo No.107(1) dated 17.02.2023, whereby it has been decided that all colleges and institutions established and operated by the State Government imparting professional education in different sectors of Health Sciences shall be deemed to be affiliated with effect from the date of enforcement of the Notification i.e. 01.04.2023 under the



provisions of Section 4 of the Act, 2021. A list of such institutions has also been issued accordingly; however, the petitioner in C.W.J.C. No.11464 of 2024 have failed to submit NOC/recognition letter and the deficient document(s) despite intimation, the affiliation has not been granted to the said petitioner-institution. The institutions have also been informed through letter no.196(1) dated 28.03.2024 issued with the consent of the Law Department, Bihar, that affiliation and examination related work of Paramedical/Para Dental/Pharmacy Diploma and Certificate Course and ANM/GNM Course would be done by the University.

16. Mr. Shahi, learned Advocate General taking this Court through the relevant provisions of the Act, 2021 has submitted that Section 4 of the Act, 2021 talks about the jurisdiction of the University and all the colleges and institutions established by the Government and affiliated to the existing Universities of the State or to be established in future for imparting Professional Education in different streams of Health Sciences shall be eligible for affiliation with the University from such date as the Government may, by notification in the official Gazette appoint, in the manner prescribed by the Statutes or Ordinances or Regulations made in this regard.



17. Referring to Section 4(3) of the Act, 2021, it is further submitted that after coming into force of the Act and the notification published in the official Gazette, the colleges or the institutions affiliated by any other University shall cease to be affiliated from the University to which such Colleges or Institutions have been affiliated and such Colleges or Institutions shall be deemed to be affiliated to the University from such date as specified in the said notification. However, this provision shall not be applicable to deemed University. It is further contended that the powers and functions of the University has been duly stipulated in Section 6 of the Act, 2021. Section 6(3) clearly says that it is the University which shall hold examinations and grant, subject to such conditions as the University may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluations or any other method of testing. In the light of the afore-noted prescriptions, vide Health Department Notification No.107(1) dated 17.02.2023, it has been decided that all the self financed professional institutions engaged/established for medical education in different sectors of health science within the State of Bihar will be deemed to be affiliated with the University w.e.f. 01.04.2023.



18. Mr. Shahi, learned Advocate General further clarified that in the light of the Pharmacy Regulation, 2020, the Bihar University of Health Sciences, Patna constituted a Pharmacy Examination Committee vide Notification No.1358 dated 14.10.2024 and has been declared empowered for conducting examination of pharmacy courses in view of resolution taken by the Pharmacy Council of India in the meeting of the Executive Committee held on 07.11.2024, the copy of which is placed on record as Annexure-R/I to the counter affidavit filed on behalf of respondents no.5 and 6 in C.W.J.C. No.4610 of 2025. In the said meeting, it was decided to approve the Bihar University of Health Sciences Patna Bihar as Examining Authority in respect of affiliating institutions applied to Pharmacy Council of India.

19. Having heard the learned Advocate for the respective parties and considering the materials available on record, the question for consideration as culled out is only to the extent as to whether the University has the jurisdiction and empowered to grant affiliation to the institutes/colleges imparting D. Pharm courses and further to conduct examination of Diploma courses and certificate.

20. A statute is an edict of the legislature and the



conventional way of interpreting or construing a statute is to seek the "intention" of its maker. A statute is to be construed according "to the intent of those that make it" and "the duty of judicature is to act upon the true intention of the Legislature—the *mens or sententia legis* [**vide The Vishnu Pratap Sugar Works (P) Limited v. Chief Inspector of Stamps, U.P., AIR, 1968 SC 102, R.M.D. Chamarbaugwalla v. Union of India, AIR 1957 SC 628, Salmond Jurisprudence 11th Edition**].

21. The correct interpretation is one that based harmonize the words with the object of the statute. It is a rule now firmly established by the Apex Court since long that intention of the legislature must be found by reading the statute as a whole. The Courts strongly lean against a construction which reduces the statute to a futility.

22. Time without number, it has been ruled that statute or any enacting provision therein must be so construed as to make effective or operative on the principle expressed in the maxim '*uterus images verdict quam pereat*'.

23. In the case of **Union of India v. B.S. Aggrawal, [AIR 1998 SC 1537]**, the Apex Court observed that the Court leans in favor of an interpretation which conforms to justice and fair play and prevent potentiality to injustice. When there is a



choice of meanings there is a presumption that one which produces an unjust or inconvenient result was not intended [**vide Paradise Printers and Others v. The Union Territory Chandigarh and Others, AIR 1988 SC 352/(1988) 1 SCC 440**].

24. A statute must be read as a whole and one provision of the Act should be construed with reference to other provisions in the same Act so as to make a consistent enactment of the whole statute. Such a construction has the merit of avoiding any inconsistency or repugnancy either within a section or between a section and other parts of the statute. It is the duty of the Courts to avoid a head on clash between two sections of the same Act and, whenever it is possible to do so, to construe provisions which appear to conflict so that they harmonise. It should not be lightly assumed that parliament had given with one hand what it took away with the other. The provisions of one section of a statute cannot be used to defeat those of another unless it is impossible to effect reconciliation between them (*sic*) [**vide University of Allahabad & Ors. v. Amrit Chand Tripathi & Ors. [AIR 1987 SC 57]; Tahsildar Singh v. State of U.P. [AIR 1959 SC 1012]; Mohammad Sher Khan v. Raja Seth Swami Dayal [AIR 1922 PC 17]**].

25. The Pharmacy Council of India established under



the Pharmacy Act, 1948 is a statutory body responsible for setting standards of pharmacy, education, registering pharmacist, prompting professional standards and advising the Government on matters related to pharmacy profession. The primary purpose of the Act is to make better provision for regulating the profession and practice pharmacy in India. Thus, it is not in dispute that to run an institution conducting course of B. Pharm/D. Pharm or any other Higher Degrees, the approval of the Pharmacy Council of India is necessary along with the consent of affiliation of Examining Authority and the NOC by the State Government.

26. Now coming to the Act, 2021, the very establishment of the University is to conduct and facilitate affiliation of institutions set up by the Government and/or trust or the society in the conventional as well as new frontiers of professional education in Health Sciences for the purposes of affiliating, teaching and ensuring proper and systematic instruction, training and research in Modern System of Medicine, AYUSH systems of Medicine, Nursing Education, Pharmacy Education, Dental Education, Education on Laboratory Technology, Physiotherapy & Occupational Therapy, Speech Therapy and Education on other Paramedical Courses



and inter disciplinary areas such as Health Economics, Health administration etc. The object of the Act, 2021 is to promote academic freedom and scholarship for the teachers as well as for the students and to foster and develop an intellectual climate conducive to the pursuit of scholarship and excellence, either independently or jointly with other centers of higher learning.

27. The 'College' as defined under Section 2(x) of the Act, 2021 says that it means an institution maintained or controlled by the University or maintained by the State Government; and 2(xi) of the said Section says that 'Courses' means courses leading to a Bachelor or Higher degree in relevant streams of Health Sciences and such other courses as notified by the Government in future. Further, the 'Institutions' is defined under Section 2(xix), which means an academic institution or college admitted to the privileges of the University. Section 4 of the Act deals with the 'Jurisdiction', leaves no confusion that University shall have the jurisdiction over all the colleges and institutions established by the Government and affiliated to the existing Universities of the State or to be established in future imparting Professional Education in different streams of Health Sciences. This Section further made it clear that after coming into force of the Act,



2021, any other University established by law of the State Legislature shall cease to be affiliated from the University to which such Colleges or Institutions have been affiliated and such Colleges or Institutions shall be deemed to be affiliated to the University from such date as specified in the said notification.

28. Section 4(4) of the Act, 2021 further clarifies that the University may impose such terms and conditions upon the colleges or institutions as it may consider necessary, conducive or incidental to the attainment of all or any of the objects of the University and then grant affiliation. Similarly, the existing college or institution set up by a Trust or a Society as a self-financing institution imparting Professional Education in different streams of Health Sciences may get affiliated with the University subject to fulfillment of conditions laid down under Statutes and Regulations made in this regard.

29. Bare perusal of Section 4 of the Act, 2021, it is evident that the Act shall have the control over all the Colleges/Institutions which are involved in imparting professional education in the different streams of health sciences.

30. In absence of any affiliation from the University,



any privilege, enjoyed from any other University before the appointed day by any Medical College or institution of Health Sciences situated in this State, shall be deemed to be withdrawn with effect from such date as may be notified by the Government.

31. The prime objective of the University, *inter alia*, to create centers and institutes of excellence in different streams of Health Sciences. The powers and functions of the University has stipulated under Section 6 of the Act, 2021, *inter alia*, empowered to hold examinations and grant, subject to such conditions as the University may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluations or any other method of testing and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause.

32. Bare reading of the notable prescriptions of the Act, 2021, so far the contention of the learned Advocate for the petitioners that the definition clauses, especially the term 'Colleges' and the 'Courses' exclude the Diploma courses do not find merit consideration in view of the fact that Colleges and the Institutions have been defined separately. Section 2(xix) defines 'Institution' which means an academic institution or a



college admitted to the privileges of the University. Thus the “Institution” embraces within its fold the institution or a college which may impart teaching courses leading to a Bachelor or Higher Degrees in Modern System of Medicine in different disciplinary but in no circumstances it ousts the courses of Diploma once Section 2(xi) which defines ‘Courses’, *inter alia*, says that not only courses leading to a Bachelor or High Degree in relevant stream of Health Sciences but all such other courses as notified by the Government in future. If the provision of Sections 4 and 6 of the Act, 2021 be read together, there is no impediment to come to the conclusion that the University shall have the jurisdiction over all the institutions or colleges imparting professional education in different streams of Health Sciences and powers to hold and facilitate examination and grant, subject to such conditions as the University may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluations.

33. It is also notable that the Health Department, Government of Bihar, in the light of the decision rendered by the Apex Court in the case of **The Karnataka State Association of the Management of Nursing and Allied Health Science Institutions and Ors. v. Indian Nursing**



Council and Ors. [Civil Appeal Nos.12759-12671 of 2017] has affirmed the observation made by the learned Single Judge and held that *Indian Nursing Council has no authority to grant recognition to the institutions imparting nursing courses*. The Government of Bihar has come out with a letter bearing no.196(1) dated 28.03.2024 with the consent of the Law Department, Bihar, extending intimation to all the concerned that affiliation and examination related work of Paramedical/Para Dental/Pharmacy Diploma and Certificate Course and ANM/GNM Course would be done by the University.

34. It is also to be noted that the Hon'ble Supreme Court in the case of **Nutan Kumari and Another v. State of Bihar and Others [SLP (C) No. 9 of 2014]**, has observed that it is the accepted position that it is the State Government that has power to grant recognition and that Indian Nursing Council has no authority to grant such recognition in so far as Auxiliary Nurses-Mid-wife course (ANM) concerned. The Apex Court has noticed the established position by referring to the judgment of this Court in **Raj A.N.M. School, Muzaffarpur v. The State of Bihar and Others [1993 (2) PLJR 479]**.

35. The Pharmacy Council of India also in its meeting



dated 07.11.2024 accepted the position that the University after coming into its force through the Act, 2021 is empowered to award degrees as recognized by UGC Notification on specification of degree 2014 and its amendment issued from time to time and Section 22 of the UGC Act, 1956 by conducting courses through its own department, its constituent concerned, statutory bodies/councils wherever required. Letter dated 15.10.2024 also acknowledges that examination of following pharmacy course will be held on statutory provisions of Pharmacy Act, 1948 and Regulations framed thereunder, which includes D. Pharm, B. Pharm and M. Pharm and others. The Pharmacy Council of India also acknowledged and decided to approve the Bihar University of Health Sciences Patna, Bihar as Examining Authority in respect of affiliating institution applied to Pharmacy Council of India.

36. In view of the afore-noted discussions and the specific prescriptions under the Act, 2021 and the statute as also the letters issued by the State and the University, this Court has no hesitation to hold that Bihar University of Health Sciences, established under the University Act, 2021 is declared to be an authority to conduct the examination from Session 2023-2024 onward, of all the colleges and institutions imparting professional education, duly affiliated with the University, including D. Pharm.



37. Before parting with this case, it must be clarified that on account of pendency of the writ petition, in no circumstances, any students of the institution shall be subjected to disqualification for appearing in due course and/or examination, after proper affiliation of their institution with the University. The authorities are also directed to adhere and maintain the time schedule of the examination of the courses and its result in terms with the Act and Statute.

38. Accordingly, both the writ petitions having no merit stand dismissed with the afore-noted observation.

(Harish Kumar, J)

rohit/-

AFR/NAFR	
CAV DATE	21-08-2025
Uploading Date	17-10-2025
Transmission Date	

