

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17958 of 2024

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1. Gautam Institute of Nursing and Paramedics, Bhaganbigha, Biharsharif, P.O- Nalanda, District- Nalanda 803118, Bihar, through its Principal, Amit Kumar, Male, aged about 37 years, Son of Amarnath Kumar, Resident of Mohalla- Sherpur Dhobi Toli, Near Noor Miya Fatak, P.O- Alinagar, District- Nalanda, Bihar- 803101.
 2. Gautam Institute of Pharmacy, Saiyad Bahri, Hilsa- Chandi Road, P.O- Nalanda, District- Nalanda-801307 through its Principal, Gunjan Raj, Male, aged about 41 years, Son of Krishna Rajak, Residing Near Park, India Machinery Campus, Kumhrar, P.O- Kumhrar, District- Patna, Bihar- 800026.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
2. Pharmacy Council of India, having Office at NBCC Centre, Third Floor, Plot No.2, Community Centre, Maa Anandamai Marg, Okhla, Phase-1, New Delhi-110020, through its Registrar cum Secretary.
3. Registrar cum Secretary, Pharmacy Council of India, having Office at NBCC Centre, Third Floor, Plot No.2, Community Centre, Maa Anandamai Marg, Okhla, Phase-1, New Delhi-110020.
4. The State of Bihar through the Secretary, Department of Health, Medical Education and Family Welfare, Bihar, Patna.
5. Controller of Examination, Diploma in Pharmacy, Examination Committee, Department of Health, Medical Education and Family Welfare having its Office at Nalanda Medical College Campus, Patna, District- Patna, 800026.
6. Bihar University of Health Science, Having its office at 2nd floor Examination Block, Aryabhata knowledge university, Near old Bus Stand, Mithapur, Patna, Bihar through Registrar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Sr. Adv. Mr. Harsh Vardhan, Adv. Mr. Harsh Raj, Adv.
For the Respondent/s	:	Mr. Parul Prasad, SC Mr. Ram Tujabh Singh, CGC Mr. Sudhir Kumar, Adv.
For the State	:	Mr. Prashant Pratap, G.P.-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-09-2025

Heard the parties.



2. The institutions through its Principal have approached this Court for the following reliefs:-

“i. To issue an appropriate writ/order/direction. in the nature of mandamus commanding the respondents to immediately issue decision letters in favour of petitioners Institutions in regard to approval already granted by the Pharmacy Council of India for conduct of first year for 60 Admissions for Diploma in Pharmacy Course for session 2022-23 in its 371 Executive Committee Meeting dated 08.08.2022 (as far as petitioner no. 1 is concerned) and in its 372 Executive Committee Meeting dated 12.08.2022 (as far a petitioner no. 2 is concerned).

ii. To issue an appropriate writ / order/direction in the nature of mandamus commanding the respondent no. 4 to allow the students of the petitioners Institutions to fill up the examination form for the first year diploma course (session 2022-24) which is to be held alongwith the diploma in pharmacy examination 2022 (II) New and to allow them to appear in the Examination.

iii. To any other relief or reliefs for which the Petitioners are entitled to.”

3. The institutions were extended approval to conduct B.Pharm and Diploma in Pharmacy from the



Pharmacy Council of India in the year 2019. Both these institutions were granted approval from Academic Sessions 2019-20 to 2021-22 to conduct diploma in pharmacy course, which was further extended upto 2023-24 academic sessions in pursuant to the decision as contained in letter dated 31.05.2023 issued by the Pharmacy Council of India, the copies of which are marked as Annexure P/3 and P/8 to the writ petition. Having obtained approval for the academic sessions 2022-23, the institutions submitted adequate cost and fee of examination, with the list of students. A request has been made to issue admit cards, however as the letter containing the decision granting approval for the session 2022-23 was not available on the portal of Pharmacy Council of India, the Controller of Examination, Health Department did not accept the examination forms of the students. The petitioners made a request to the Registrar of the Pharmacy Council of India to issue required letter, extending approval already granted to conduct Diploma in Pharmacy course for the year 2022-23 in its meeting dated 08.08.2022 and dated 12.08.2022. While the petitioners was awaiting response from the Pharmacy Council of India, in the mean while, the respondent no. 4 has come out with the schedule of the examination of Diploma in Pharmacy course, 2022 (II) New



alongwith the examination of 1st year Diploma Course of the session 2022-24; in the aforesaid premise the petitioner approached this Court, with the prayer, afore-noted.

4. A counter affidavit has been filed on behalf of respondent no. 4 with a clear stipulation that the Health Department, Government of Bihar have issued no objection certificate in favour of the petitioners' institution for conducting D.Pharma and B.Pharma courses respectively. It has also been informed that vide Health Department's notification no. 562(1) dated 28.07.2022 the Bihar Health Science University, Patna has been established and in the light of the provisions contained in Section 4 of the Bihar University of Health Science Act, 2021, vide 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 in the Bihar Health Science University.

5. Further counter affidavit has been filed on behalf of respondent no. 6 (Bihar University of Health Science), clarifying the position that in the meeting under the Chairmanship of Additional Chief Secretary, Health Department, Bihar, Patna it has been decided that from Session



2023-24, new admission and registration will be done by the Bihar University of Health Sciences and further taking into consideration the predicament of the students and delay in sessions, the examination be conducted by the earlier university.

6. It has further been apprised that the Registrar, Bihar Health Science University vide its letter no. 43, dated 15.05.2025, the copy of which is marked as Annexure R/6 to the counter affidavit of respondent no. 6 that for the sessions 2021-22 and 2022-23 no action is required at the Bihar Health Science University level as this university is not the competent body for conducting examination of students for sessions prior to 2023-24.

7. Mr. Raju Giri, learned Senior Advocate referring to the aforesaid facts submitted that it is not in dispute that the Pharmacy Council of India has extended approval to the petitioners institutions upto the academic session of 2022-23 to conduct the course of D. Pharma and B. Pharma, however, only on account of non-availability of the decision on the portal of the Pharmacy Council of India, the examination forms of the petitioners institutions are not being accepted. He further referred to the counter affidavit filed on behalf of respondent Pharmacy Council of India and its Registrar, where the factum



of extending the approval to the institutions upto 2022-23 academic sessions was duly admitted. The relevant letters containing the decision of the Central Council of the Pharmacy Council of India extending approval in favour of the petitioner's institution have placed on record as Annexure-R-1 series to the counter affidavit filed on behalf of respondent no. 2 and 3.

8. Mr. Prashant Pratap, learned Government Pleader No. 2 has interjected at this position and submitted that after coming into force of the Bihar University of Health Science Act, 2021 as also the issuance of the departmental notification no. 107 dated 17.02.2023, all the institutions are required to be affiliated with the Bihar University of Health Sciences from session 2023-24. He further urged that despite the request made by the Examination Controller, till date, the necessary letters have not been produced before the Controller of Examination. All the more the petitioner institutions are concerned with sessions 2022-24 and therefore, the Controller of Examination is not the competent authority to hold the examination.

9. Considered the submissions set forth by learned Advocate for the respective parties and perused the materials available on record. This Court finds that the present case is



nothing but an unwarranted litigation, once the facts are admitted to the extent of approval of subjected courses for the sessions 2022-23 and the Controller of Examination is the competent authority to conduct such examination. It would be worth benefitting to take note of the stand of the Pharmacy Council of India, specially in paragraph no. 3(i) and 3, which are reproduced hereunder :-

“i. That the Petitioners Institutions applied for extension of approval for D. Pharm course for 60 seats apart from approval for B.Pharm courses, through portal for 2022-R2023 academic session.

ii. The matter was placed before 371th EC (Executive Council) meeting held on 08.08.2022 for the Petitioner No.1 which decided as under: -

"D.Pharm-

Extend approval up to 2022-2023 for 60 seats for

D. Pharma course.

B.Pharm-

Grant approval for 2022-2023 academic session for the conduct of 3rd year for B. Pharm course.

Allow 40 admissions in 2022-2023 academic session in 1 year.

Reduce intake from 60 to 40



from 2022-2023 academic session for B Pharm course.....”

iii. Similarly, the matter was placed before the 372nd EC meeting held on 12.08.2022 for the Petitioner No.2 which extended approval up to 2022-23 Academic Session to conduct Diploma in Pharmacy Course for 60 students (admission).

iv. Later, the decision in 371 EC & 372nd EC meetings were ratified by the Central Council in its 117th CC meeting dated 28.04.2023 and 29.04.2023.

v. The decisions taken in 371th EC and 372nd EC meeting had already been conveyed to the Petitioners through it portal. It is pertinent to state here that the Respondent PCI uploads all its decisions taken in Executive Council meeting and the same was available on old PCI Portal.

3. Be that as it may, the Answering Respondent Council has issued two separate letters both dated 26.06.2025, conveying the decisions of its 117th CC meeting, whereby the decisions of 371 EC & 372nd EC meetings were ratified by the Central Council of PCI, granting approval to Petitioner-institutions to conduct the



Diploma in Pharmacy course for the year 2022-23. The Copies of the aforementioned letters have been duly emailed on 27.06.2025 and sent through post to the Petitioners.”

10. The aforesaid facts, clearly demonstrate that the Central Council of Pharmacy Council of India have already extended approval to the petitioner's institution to conduct the Diploma in Pharmacy course for the year 2022-23, the copies of the afore-mentioned letters have also been placed on record as annexure R/1 series and also emailed to the petitioner, and uploaded on new portal. Furthermore, the Controller of Examination, Diploma in Pharmacy Examination Committee, Department of Health, Medical Education, Government of Bihar, Patna vide letter no. 635/25 dated 15.05.2025 and letter no. 674 dated 24.05.2025 announced the detailed program of examination of 2023 (I) New and 2022 (II) New, and the name of the petitioner's institution stand at Sl. No. 14.

11. This Court also finds that the concern of the petitioner's institution is only for conducting examination for session 2022-23, which does not fall under the domain of Bihar University of Health Sciences as has been disclosed in its letter no. 430 dated 05.05.2025, the copy of which is placed on record as Annexure R6/D of the counter affidavit filed on behalf of



respondent no. 6.

12. In view of the aforesaid fact, the writ petition stands allowed; this Court direct the concerned respondent authority, especially respondent no. 4 to accept the examination form of the students of the petitioner institutions for the 1st year Diploma course (Session 2022-23), and allow them to appear in the examination alongwith other eligible candidates, as per the prescribed schedule and publish the result in accordance with law.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2025
Transmission Date	NA

