

21.05.2025.
07
Ct.No.7.
as

WPA 6201 of 2025

SBSF College of Pharmacy
Vs.
The Principal Secretary, Department of
Technical Education, Training & Skill
Development & Ors.

Mr. Aniruddha Chatterjee, Ld. Sr. Adv. (Online),
Mr. Anindya Bose,
Ms. Oishik Chatterjee,
Mr. Subhasish Shaw.

...for the Petitioner.

Mr. Tarunjyoti Tewari,
Mr. Bikramjit Dutta,
Ms. Koushiki Bose,
Mr. Dipankar Bhakta.

...for the PCI.

Mr. Suman Dey.

...for the Respondent Nos.3 & 4.

1. The present writ petition has been preferred alleging inaction on the part of the concerned respondents in granting affiliation to the petitioner-college for conducting the Diploma in Pharmacy (hereinafter referred to as D.Pharma) course for the academic year 2024-25.
2. Sans unnecessarily details, the key facts that need to be outlined for effective adjudication of this writ petition are that the petitioner-college, namely SBSF College of Pharmacy, a unit of the Siksha Bikash Seba Foundation, was established with the objective of promoting philanthropic educational initiatives. In furtherance of that objective, the college undertook an initiative to

conduct the D. Pharma course. Accordingly, on 18th December 2023, the petitioner applied to the concerned respondent authority for the grant of a No Objection Certificate (NOC) or Consent Letter to conduct that course for the academic year 2024–25.

3. Based on the said application, the West Bengal State Council of Technical and Vocational Education and Skill Development (hereinafter referred to as 'the Council'), being the examining authority, issued a consent of affiliation, thereby granting provisional permission to the petitioner-college to conduct the D. Pharma course, subject to approval by the Pharmacy Council of India (PCI), New Delhi, under Section 12 of the Pharmacy Act, 1948, and further subject to local inspection and verification of the infrastructure and facilities at the time of final affiliation. However, the authority ultimately refused to grant final affiliation, citing certain deficiencies in service and infrastructure.
4. The petitioner has alleged that all deficiencies pointed out by the respondents were duly rectified by the petitioner-college. Thereafter, the petitioner submitted representations on multiple occasions, requesting the concerned respondent to conduct an inspection of the college and grant affiliation. However, despite receipt of such representations, no effective steps have been taken by the respondents to process or grant the affiliation. This inaction has compelled the petitioner to file the present writ petition.

5. Mr. Chatterjee, learned Senior Advocate appearing for the petitioner, draws my attention to Annexure P-4 at page 31 of the writ petition and submits that the Pharmacy Council of India (PCI) has granted approval to conduct the course for the academic session 2024–25, with an intake capacity of 60 students.
6. Mr. Chatterjee further submits that, based on the aforesaid approval, the college proceeded to admit certain students under the Management Quota. Subsequently, the respondents pointed out certain deficiencies of service and infrastructure. The college authorities, having made sincere efforts, duly rectified all such deficiencies, as would be evident from the documents annexed to the writ petition as well as the supplementary affidavit. However, despite compliance, the affiliation has been withheld.
7. He submits that, in consideration of the greater interest of the students who have already been admitted under the Management Quota, a direction should be issued to the respondents to conduct a further inquiry into the infrastructure and other facilities available at the college, and to grant affiliation accordingly.
8. Citing a decision, reported at 2016(12) SCC 517 (*Committee of Management, Anuragi Devi Degree College & Anr. Vs. State of Uttar Pradesh & Anr.*) and one unreported decision of the High Court of Judicature for Rajasthan at Jodhpur in S.B. Civil Writ Petition No. 2292 of 2024 (*Hill Grove College Institute of Pharmacy,*

Behind Mahaveer Hospital, Koliwada, Sumerpur, through its Secretary v. Rajasthan University of Health Sciences), he contends that in similar circumstances, the Hon'ble Supreme Court and a Coordinate Bench of High Court of Rajasthan (Jodhpur Bench) passed an order directing the concerned respondent to grant affiliation considering the hardship faced by the students who had already taken admission in the course.

9. Mr. Tiwari, learned Advocate representing the PCI, submits that in order to conduct the D. Pharma course, it is mandatory for an institution to obtain both approval from the Pharmacy Council of India (PCI) and affiliation from the examining authority. He submits that the college had entered certain data into the PCI portal, based on which a provisional approval was granted, subject to fulfillment of the requisite criteria. However, during a subsequent enquiry, it was found that the college had failed to rectify the deficiencies identified in the enquiry report. Consequently, the examining authority, i.e., the Council, declined to grant affiliation.
10. He further submits that unless a college secures affiliation from the examining authority, it cannot admit students, even under the Management quota. He contends that any such admission is illegal, and granting approval to the college at this stage would not be appropriate. In support of this contention, he cites an unreported decision of the Hon'ble Division Bench of this Court in MAT 32 of 2025 (*Gitanjali College of Pharmacy*

v. The State of West Bengal & Ors.), where, in a similar case, the Hon'ble Division Bench of this Court refused to direct the concerned respondent authority to grant affiliation.

11. Mr. Tiwari further argues that students admitted to a college with inadequate facilities and infrastructure should not be permitted to appear in the examination or subsequently practice as pharmacists, in the greater interest of society.
12. Mr. Dey, learned Advocate representing the Council, draws my attention to certain portions of the *Approval Process Handbook 2024–25* of the PCI, and submits that, in order to obtain prior permission from the Council to open a pharmacy institute and to commence any program such as the D. Pharma course, an institution is required to submit an application, namely, the Standard Inspection Format (SIF) through the PCI web portal for the purpose of seeking approval from the Council. He further submits that the PCI portal was open for this purpose from 14th December 2023 to 31st December 2023. Referring to Annexure-C of the said Handbook, he states that it outlines the particulars of the latest and valid documents that an institution must furnish in order to obtain affiliation from the Council.
13. He contends that consent for affiliation was granted to the college on 10th January 2024, subject to a physical inspection and verification of all infrastructure and facilities at the time of granting final affiliation. He

further submits that the Council set an initial timeline for the college to initiate the affiliation process, and subsequent timelines for further actions were notified to the college as needed. He states that, based on the application submitted by the petitioner, an enquiry was conducted. However, during the enquiry, certain deficiencies in service were identified by the inspecting team. Mr. Dey claims that as of 10th January 2025, the college had not rectified these deficiencies.

14. He draws my attention to a notification dated 11th February 2025 and contends that the timeline for the commencement of classes was set for 24th February 2025, with the first internal assessment scheduled for May 2025 and the second internal assessment for August 2025. He submits that, as per the guidelines set by the PCI, a student must attend a minimum of 180 days of classes in order to be eligible to appear for the examination. He argues that it is not feasible for a student admitted under the Management quota in this college to attend the requisite number of classes. He further submits that it would not be appropriate to grant affiliation at this stage or to regularize the admissions made by the college under the Management quota, given the insufficient infrastructure and facilities for conducting the D. Pharma course.

15. Mr. Dey cites an unreported decision of the Hon'ble Division Bench, headed by the Hon'ble the Chief Justice, in *MAT 1194 of 2024 (The Chief Administrative Officer,*

West Bengal State Council of Technical & Vocational Education and Skill Development, Department of Technical Education, Training & Skill Development & Anr. vs. Anindya Agasty & Ors.), wherein it was held that unless and until a college fulfils all the requisite conditions, the question of granting approval or affiliation does not arise.

16. Heard the learned Advocates appearing for the respective parties and perused the materials on record.
17. As mentioned earlier, in order to obtain prior permission from the Council for establishing a Pharmacy Institute and commencing a program such as the D. Pharma course, an institution was required to submit the Standard Inspection Format (SIF) through the PCI portal, which remained open from 14.12.2023 to 31.12.2023 for the academic session 2024–25. As submitted by Mr. Tiwari, since the college entered certain data into the portal, a provisional approval was granted, subject to final approval by the Pharmacy Council of India (PCI), New Delhi, under Section 12 of the Pharmacy Act, 1948, and further subject to local inspection and verification of the infrastructure and facilities at the time of granting final affiliation.
18. The petitioner is not in a position to deny that the Council had set an initial timeline in September 2024 for the college to initiate the affiliation process, and that subsequent timelines for further actions were duly notified to the college as required. However, during the

enquiry, certain deficiencies were detected. These deficiencies, as outlined in the communication dated 10th January 2025, were brought to the attention of the college. However, the college failed to rectify the said deficiencies within the timeline set by the Council.

19. The timeline fixed by the Council, as indicated in the notification dated 11th February 2025, shows that classes were scheduled to commence from 24th February 2025, and the first internal assessment was to be completed by May 2025. The petitioner claims that all deficiencies were rectified only in March 2025. However, prior to addressing those deficiencies, the petitioner proceeded to admit students under the Management Quota, notwithstanding the clear stipulation in the Handbook (see page 4), which states: "*Under no circumstances shall students be admitted without prior approval of the Council*".

20. In the judgment of *Committee of Management, Anuragi Devi Degree College & Anr. vs. State of Uttar Pradesh & Anr.* (supra), the Hon'ble Court cited with approval several decisions that strongly deprecated the practice of educational institutions admitting students without obtaining the requisite affiliation. Similarly, in *MAT 1194 of 2024 (The Chief Administrative Officer, West Bengal State Council of Technical & Vocational Education and Skill Development, Department of Technical Education, Training & Skill Development & Anr. vs. Anindya Agasty & Ors.)*, the Hon'ble Division

Bench held that unless a college fulfils all the required conditions, the question of granting approval or affiliation does not arise.

21. Furthermore, another Division Bench of this Court, while dealing with a similar issue in *MAT 32 of 2025 (Gitanjali College of Pharmacy vs. The State of West Bengal & Ors.)*, declined to direct the competent authority to grant affiliation for conducting the M. Pharma course for the academic session 2025, noting that even after the lapse of three months of the academic session, the college had failed to comply with the mandatory requirements prescribed under Section 12 of the Pharmacy Act, 1948. The propositions laid down by the Hon'ble Division Benches in the aforementioned decisions are binding on this Court.

22. The Handbook (see page 4) clearly mandates adherence to applicable Central, State, and local laws, as well as norms of other regulatory bodies. However, in the present case, it is evident that without having requisite infrastructure and facility, the college took admission at their own risk under the Management quota. According to the petitioner, it rectified the deficiencies highlighted in the communication dated 10th January 2025 only in March 2025, after which the college approached this Court seeking its intervention to cover up its lapses, citing the plight of the students.

23. A court cannot direct an authority to act in contravention of its own regulations or disregard prescribed timelines. Therefore, it is not feasible to direct the Council to regularize the petitioner's action of admitting of students under the Management Quota, which violates established norms and the binding precedent set by the Hon'ble Division Bench of this Court. I have carefully gone through the decisions cited on behalf of the petitioner. However, those are distinguishable on facts.

24. Therefore, based on the discussions and reasons outlined in the preceding paragraphs, I am of the considered opinion that petitioner's contention lacks merit.

25. Consequently, the writ petition is dismissed. However, there shall be no order as to the costs.

26. However, it is clarified that this order shall not preclude the petitioner from applying for affiliation for the next academic session, provided the college fulfills all requisite criteria for conducting D. Pharma course.

(Partha Sarathi Chatterjee, J.)