

04
26.09.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 23467 of 2025

**Dr. Amiya Kumar Sarkar @ Amiya Kumar Sarkar @
Dr. Amiya Sarkar @ Amiya Sarkar
-versus
Union of India & Ors.**

**Mr. Atindra Chowdhury.
...For the Petitioner.**

**Mr. Mati Sagar Tiwari,
Mr. Aninda Bhattacharjee.
...For UOI.**

1. The petitioner is aggrieved by the Circular dated 10th September, 2025 published by the Pharmaceuticals & Medical Devices Bureau of India prescribing relaxation of minimum distance norms for establishment of Jan Aushadhi Kendras under Pradhan Mantri Bharitiya Janaushadhih Pariyojana.

2. By the impugned Circular the minimum distance between two Jan Aushadhi Kendras in metropolitan cities has been taken away. The petitioner is aggrieved by the same.

3. The petitioner set up a Jan Aushadhi Kendra in the year 2022 when there was a requirement of maintaining a minimum distance of 1km radius between two Jan Aushadhi Kendras.

4. It has been submitted that the petitioner invested a huge sum of money in operating the business. The petitioner is required to repay the loan amount that he took at the time of initiation of the business.

5. It has been submitted that the petitioner will suffer huge losses, if the minimum distance norm is relaxed. Principle of legitimate expectation to earn from the business has been relied upon.

6. Prayer has been made to set aside the impugned Circular.

7. Learned advocate appearing on behalf of the respondents opposes the prayer of the petitioner.

8. It has been submitted that the same is a pan India policy.

9. I have heard the submissions made on behalf of both the parties.

10. It appears that the petitioner is apprehending competition that he may face if another Jan Aushadhi Kendra is set up within the one kilometer radius of his shop.

11. The impugned Circular clearly mentions that with a view to enhance public accessibility, equitable distribution and wider outreach of the Jan Aushadhi Kendras, especially in densely populated urban agglomeration the authority has decided to incorporate the modification in the guidelines relating to the minimum distance requirement.

12. In the metropolitan cities the requirement of maintaining the distance in between two Jan Aushadhi Kendras has been taken away.

13. The submission of the petitioner regarding legitimate expectation to earn revenue cannot be accepted in the instant case.

14. The decision to remove the minimum distance between two Jan Aushadhi Kendras is a policy decision taken by the department of Pharmaceuticals, Government of India. The same is applicable throughout the country.

15. Private interest cannot override the public interest for which the impugned Circular has been published.

16. It is settled law that a rival in trade though aggrieved is debarred from challenging the decision of the authority to grant permission/ license to his rival competitor in trade. The petitioner intends to stall setting up any further Jan Aushadhi Kendra near to his shop. The same is not permissible in law.

17. In view of the above, the prayer of the petitioner seeking setting aside of the impugned Circular cannot be allowed.

18. The writ petition fails and is hereby dismissed.

19. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)