



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12843 OF 2025

Shri Dhaneshwari Manav Vikas Mandals Through Its Principal
VERSUS

The Government Of Maharashtra Through Its Commissioner And Others

Mr. D. S. Bagul, Advocate for petitioner

Mr. P. B. Kulkarni h/f Mr. M. D. Narwadkar, Advocate for respondent Nos.
1 and 2

Mr. C. B. Chaudhari h/f Mr. Shreyas Deshpande, Advocate for respondent
No.3

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 17th October, 2025

PER COURT :-

1. Present petition has been filed challenging the impugned orders dated 26.09.2025 and 30.09.2025 passed by Pharmacy Council of India (for Short "P.C.I") and the consequential prayer for directing P.C.I to issue approval to Pharm. D. Course for the academic year 2025-2026. Other consequential prayers have also been made.

2. Heard.

3. Learned Advocate for the petitioner points out that on relying the documents which were annexed with the proposal and the petitioner institution wanted to start the new course i.e., additional course of

Pharm. D. with an intake capacity of 30 students. Dr. Babasaheb Ambedkar Technological University, Lonere by its communication dated 15.01.2025 gave No Objection Certificate for affiliation for the said course for the academic year 2025-2026. In fact, the Standard Inspection Form that was filed was for all the courses including Pharm. D. Inspection was carried out and by impugned order dated 26.09.2025 approval was granted to other courses however, for Pharm. D Course, it was rejected with reason "with respect to submitted compliance and inspection report, it is decided to reject the application for Pharm. D Course for the academic year 2025-2026." No reasons were assigned and, therefore, the appeal was preferred on 30.09.2025 by the petitioner. It was specifically stated that during the inspection conducted on 09.09.2025, the P.C.I Inspectors themselves had reported to P.C.I that all statutory documents for Pharm. D course, all equipments, infrastructure, faculty, amenities and other requirements as per the Standard Inspection Format were physically verified and then the recommendation has been given. Yet, the rejection has been made. Yet, the Appellate Authority by its order of the same date i.e., 30.09.2025 literally copied the impugned order dated 26.09.2025 and reasons have not been assigned when all the formalities and the requirements are fulfilled.

4. Certainly, when there is rejection, it is expected that the authority who is rejecting the proposal should give reasons. When appeal is provided then the Appellate Authority who also see as to whether the Competent Authority has given reasons or not thereafter, the decision has to be taken by the Appellate Authority. In fact, we are surprise to note that on the day of the presentation of the appeal same day the Appellate Authority has passed the order that means even the petitioner was not heard by the Appellate Authority. If the inspection that has been carried out and the inspection report are in favour of the petitioner, still the rejection is there then the opportunity of hearing ought to have been given by the Appellate Authority.

5. When we indicated about the remand, we ask yesterday to the learned Advocate appearing for the respondent No. 3, to take instructions. Today, upon instructions, he makes a statement that if the matter is remanded, it would be decided.

6. With the above said reasons, we are constrained to set aside both the orders. An opportunity has to be given to the petitioner before taking decision by the concerned authorities and without giving reasons, there cannot be a rejection. With these observations, we pass following order.

ORDER

- i) The petition is partly allowed.
- ii) Impugned orders dated 26.09.2025 and 30.09.2025 passed by respondent No. 3 Pharmacy Council of India to the extent of Pharm. D. Course stands quashed and set aside.
- iii) The matter is relegated back to respondent No. 3. Respondent No. 3 to verify the record and if there is something lacking then should give an opportunity to the petitioner of hearing.
- iv) Entire exercise to be completed before 26.10.2025 and the decision should be taken by respondent No. 3 on or before 26.10.2025 and it should be then communicated to the petitioner.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi