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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14539 OF 2025

1. Shree Swami Samarth Bahuuddeshiya
Shaikshanik Samajik Sanstha va Krida
Mandal, Osmanabad (Dharashiv)
Through its Administrative Officer
& Campus Director
Shri. Anandkumar Nandkumar Khadke,
Age-43, Occupation – Director,
R/o. Krishanand Niwas, Pimpargavhan
Road, Ambika Chowk, Gajanan Maharaj
Nagar, Beed, Tq. & Dist. Beed.
2. V.J. Shinde Institute of Pharmacy,
Osmanabad (Dharashiv),
Inst ID PCI -10437
Through its Principal,
Nitin Dnyandev Satpute,
Age-43 years, Occu.: Principal of
Petitioner College, R/o. Umbre Kota,
Vasudev Galli, Osmanabad,
Tq. & Dist. Osmanabad (Dharashiv).

... Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Higher & Technical Education Department,
Mantralaya, Mumbai-400032
2. Director of Technical Education,
Maharashtra State, Mumbai.
3. Joint Director of Technical Education,
Divisional Officer, Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar.
4. Pharmacy Council of India,
I-300, 3rd Floor, Tower-I, World Trade Center,
Nauroji Nagar, New Delhi-110029.

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5. Maharashtra State Board of
Technical Education,
Maharashtra State, Mumbai
Kherwadi, Bandra East, Mumbai,
Through its Registrar.

... Respondents

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Mr. Shahaji B. Ghatol Patil, Advocate for Petitioners
Mr. S.K. Tambe, Addl. G.P. for Respondents No.1 to 3
Mr. Sanjeev Deshpande, Senior Advocate a/w Mr.Swapnil Joshi i/b Mr.
Shreyash Deshpande, Advocate for Respondent No.4
Mr. P.G. Tambade, Advocate h/f Mr. S.S. Jadhavar, Advocate for
Respondent No.5

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**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 04 DECEMBER, 2025

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. Rule. Rule made returnable forthwith. With the consent of parties the petition is heard finally at the admission stage itself.

2. The present petition under Article 226 of the Constitution of India is directed against the decision dated 18.09.2025 passed by respondent no. 4 – Pharmacy Council of India, whereby the proposal of the petitioners for grant of approval to commence a new Diploma in Pharmacy (D. Pharm) course for the academic year 2025–2026 has been rejected. The petitioners seek quashing of the said decision and a direction to respondent No. 4 to grant approval for the said course and to include the name of petitioner No. 2 in the list of approved

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institutions for the purposes of the centralized admission process for the academic year 2025–2026.

3. Petitioner No.1 is an Educational Trust registered under the Maharashtra Public Trusts Act as well as under the Societies Registration Act. Petitioner no. 2 is a College of Pharmacy established, run and managed by petitioner No.1. The case of the petitioners is that petitioner No. 1 has been set up with the main objective of conducting educational activities by establishing various educational institutions providing professional and ethical education in diverse faculties. In furtherance of these objectives, petitioner No.1 claims to have established petitioner No. 2 college and to have provided all necessary infrastructure and facilities, including land, building, playground, classrooms, administrative area, laboratories, equipment and other amenities as per the norms prescribed by the Pharmacy Council of India (PCI) for conducting the D.Pharm course. It is the further case of the petitioners that a proposal for affiliation and permission to start the D. Pharm course for the academic year 2025–2026 was submitted to the competent affiliation authority, namely respondent No.5. The application was processed through the prescribed online portal, and thereafter, according to the petitioners, competent authorities representing respondents No. 1 to 3 and the affiliating body carried out

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a physical inspection of the premises and the institution. The inspection team, after visiting the college and examining the infrastructure and other facilities, is stated to have found that the basic requirements for grant of affiliation and for commencement of the D. Pharm course were fulfilled. On the basis of this exercise, consent of affiliation came to be accorded by the affiliating authority in favour of petitioner No.1-Trust to run and manage petitioner No.2 college for starting a Diploma in Pharmacy course for the academic year 2025–2026, such consent being expressly made subject to final approval by respondent No.4 – Pharmacy Council of India, as also by the Director of Technical Education, who is arrayed as respondent no. 2. After receipt of this consent of affiliation from the Maharashtra State Board of Technical Education, Mumbai, the petitioners submitted an application to respondent no. 4 seeking statutory approval to conduct the D.Pharm course for the academic year 2025–2026. Pursuant to the said application, an inspection was undertaken on behalf of respondent No.4. Upon such inspection, certain deficiencies were recorded in respect of the petitioners' proposal. A communication was thereafter issued to the petitioners by or on behalf of respondent no. 4, setting out the deficiencies noticed and calling upon the petitioners to remove the same and to submit their compliance report on the PCI portal within the prescribed period, with a clear stipulation that failure to do so within

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the stipulated time would result in automatic rejection of the application for the academic year 2025–2026. The petitioners state that on receipt of this communication, they addressed each of the deficiencies and submitted their compliance report on 4 September 2025 through the prescribed portal. According to the petitioners, by the said date they had procured all remaining infrastructure and facilities which were pointed out as deficient and had come in full compliance with all applicable norms of respondent no. 4.

4. It is the grievance of the petitioners that despite submission of the compliance report within time, no approval order was thereafter issued by respondent no. 4. The petitioners state that they addressed several reminder e-mails requesting consideration of the compliances submitted by them and seeking grant of approval. However, instead of dealing with the compliance report and the material placed by the petitioners, respondent No. 4, by the impugned decision dated 18.09.2025, rejected the petitioners' proposal for approval for the academic year 2025–2026. The petitioners assert that the said rejection has been made without any meaningful consideration of the compliance submitted by them, and further, without affording them any opportunity of personal hearing or clarification, thereby violating the principles of natural justice.

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5. Learned advocate for the petitioners submitted that the impugned communication dated 18.09.2025 is a cryptic and non-speaking order, which merely records that the proposal stands rejected but does not indicate any cogent reasons for such rejection. It was submitted that the deficiencies originally pointed out were either of a minor and curable nature or had, in fact, been fully rectified and demonstrated through the compliance report submitted on 04.09.2025. Learned advocate drew our attention to the chart placed on record juxtaposing the list of deficiencies with the compliances made by the petitioners, and submitted that, on a plain reading thereof, there remained no subsisting deficiency as on the date of the impugned decision. It was further argued that respondent No.4 has failed to specify which precise norms of the PCI were still not complied with by the petitioners, or which aspect of infrastructure or faculty remained inadequate for conducting a D. Pharm course. Such a vague and unreasoned rejection, it was urged, is *ex facie* arbitrary and unsustainable. Learned advocate for the petitioners further contended that once the petitioners had removed the deficiencies within the time permitted and had submitted the compliances report before the cut-off date fixed by the Hon'ble Supreme Court for the approval process, respondent No.4 was under a legal obligation to examine the said compliances and take a reasoned decision. It was submitted that the

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petitioners cannot be denied consideration of their proposal merely because respondent No.4, for its own administrative reasons, did not scrutinize the compliance report before the end of the approval cycle. According to the petitioners, their application, having been filed in time and kept alive by submission of the compliance report within the same approval cycle, could and ought to have been considered on merits, instead of being rejected in a mechanical manner. They therefore prayed that the impugned order be quashed and the respondent PCI be directed to reconsider the proposal in the light of the compliances already submitted, with further direction to grant approval for the D. Pharm course.

6. Per contra, learned Senior Advocate Mr. Deshpande appearing for respondent No. 4 – Pharmacy Council of India, opposed the petition. He submitted that the entire approval process for pharmacy courses is now governed by strict timelines fixed by the Hon'ble Supreme Court in a batch of matters concerning professional courses. It was pointed out that, in terms of the orders of the Hon'ble Supreme Court, the outer limit for completion of the approval process for the academic year 2025–2026 was 30.09.2025, and the time for compliances and appeals, wherever permissible, was extended only up to 10.10.2025. Learned Senior Advocate submitted that these timelines have been held to be

mandatory and binding on all stakeholders, including regulatory bodies, affiliating universities, and the institutions themselves. It was his submission that once the cut-off date prescribed by the Hon'ble Supreme Court has expired, neither the PCI nor this Court can permit commencement of a new course for that academic year. Learned Senior Advocate further submitted that, as on the cut-off date, PCI was not satisfied about full compliances by the petitioners, and in any case, in view of the binding directions of the Hon'ble Supreme Court, it is not permissible for respondent No. 4 to grant approval to enable the petitioners to start the D. Pharm course for the academic year 2025–2026. He submitted that any direction to grant approval retrospectively or to allow the college to participate in the centralized admission process for 2025–2026 would amount to overruling or diluting the mandate of the Hon'ble Supreme Court, which this Court cannot do in exercise of writ jurisdiction. On this footing, he contended that the petition deserves to be dismissed. At the same time, on instructions, he fairly stated that if this Court were to set aside the impugned order and direct reconsideration, respondent No. 4 would examine the petitioners' proposal and compliances afresh for the purposes of the next academic year, without being constrained by the earlier rejection, provided that the petitioners are made aware that no relief can be granted for the academic year 2025–2026.

7. We have heard learned counsel for the parties at some length and have carefully perused the petition, the annexures thereto, the impugned communication dated 18.09.2025, and the material made available for our perusal. We have also kept in view the broad framework of timelines prescribed by the Hon'ble Supreme Court governing approvals for professional courses, including pharmacy courses.

8. From the factual narrative, which is largely undisputed, it emerges that the petitioners had submitted their original proposal for affiliation and approval within the prescribed schedule for the academic year 2025–2026. The competent authorities conducted an inspection and pointed out certain deficiencies. Thereafter, a specific opportunity was granted to the petitioners to remove those deficiencies and to submit a compliance report on the PCI portal within the stipulated period, with a clear warning that failure to do so would result in automatic rejection of the proposal. It is also not in dispute that the petitioners submitted their compliance report on 04.09.2025, which is prior to 30.09.2025, the cut-off date indicated on behalf of respondent No. 4 and noticed in the orders of the Hon'ble Supreme Court. Thus, at least to this extent, it is clear that both the original proposal and the compliance report were filed within the same approval cycle and within the outer limit fixed by the Hon'ble Supreme Court.

9. The core grievance of the petitioners is not so much that their proposal was not accepted, but that it was rejected without proper consideration of the compliance report and without affording them an opportunity of further clarification or hearing, notwithstanding the fact that they had acted within time. When an authority calls upon an applicant to cure deficiencies and the applicant responds within the stipulated time, placing material to demonstrate compliance, there arises a corresponding duty on the part of the authority to apply its mind to such material and to come to a reasoned conclusion as to whether the compliances are satisfactory or not. An order which simply rejects the proposal without engaging with the compliance material, without indicating which deficiencies persist, and without disclosing the reasons which weighed with the authority, would be vulnerable on the ground of arbitrariness and violation of the principles of natural justice. In the present case, the impugned communication dated 18.09.2025 does not reflect any consideration of the compliance report submitted by the petitioners. It does not specify which of the originally noted deficiencies still remained uncured or which particular norm of the PCI was not fulfilled. It does not record that the compliance report was examined and found inadequate in any specific respect. The order is, therefore, essentially non-speaking. While it may not be necessary for

every administrative decision to contain an elaborate judgment, it must at least disclose the basic reasons, particularly when the effect of the decision is to deny an institution the right to commence a professional course for an entire academic year, with attendant consequences for its planning and investment. On this limited ground alone, the impugned decision cannot be sustained.

10. At the same time, we are conscious of the fact that the field of professional education, including pharmacy education, is now regulated by strict timelines judicially fixed by the Hon'ble Supreme Court, keeping in view larger considerations of certainty, fairness in admissions, and avoidance of mid-stream approvals. The Supreme Court has consistently held that these timelines are to be treated as sacrosanct and that neither the regulatory bodies nor the High Courts should ordinarily permit any deviation which would disturb the academic calendar. We are, therefore, unable to accept the prayer of the petitioners that they be permitted to start the D. Pharm course for the academic year 2025–2026, or that they be allowed to participate in the centralized admission process for that very year. According to such a request would plainly run contrary to the mandate of the Hon'ble Supreme Court, and this Court, in exercise of its writ jurisdiction, cannot carve out an exception for a single institution.

11. The question, therefore, is whether any relief can nevertheless be granted to the petitioners so that the effort and investment already made by them, and their compliance submitted within the time frame of the 2025–2026 cycle, are not rendered entirely futile. In our view, there is no legal impediment to respondent No. 4 reconsidering the petitioners' proposal in the light of the compliances already submitted, treating the matter as a continuous and pending proposal, while at the same time making it explicit that any approval, if ultimately granted, will operate only prospectively for the subsequent academic year and not for 2025–2026. Such a course would balance the equities between the petitioners and the regulatory constraints under which respondent No.4 operates, without infringing the timelines fixed by the Hon'ble Supreme Court. It is also relevant that learned Senior Advocate for respondent No.4 has stated before us that respondent No. 4 is prepared to reconsider the proposal of the petitioners, provided it is made clear that no direction shall be issued permitting commencement of the course for the academic year 2025–2026. Learned advocate for the petitioners, on their part, have not seriously disputed that this Court is bound by the cut-off dates fixed by the Hon'ble Supreme Court, and have also fairly submitted that if their proposal is reconsidered on merits, they would abide by a direction that any approval will enure

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only for the next academic year. In view of this consensus and having regard to the infirmities noted in the impugned order, we do not consider it necessary to examine the matter further on merits at this stage. In the circumstances, we are of the considered opinion that the impugned decision dated 18.09.2025 deserves to be set aside and the matter remitted to respondent No.4 – Pharmacy Council of India for fresh consideration. Respondent No. 4 shall, while reconsidering the proposal, take into account the compliance report already submitted by the petitioners, along with any further relevant material that the petitioners may place on record within such reasonable time as may be prescribed by respondent No.4. If respondent No. 4 feels that any aspect of the deficiencies or compliances requires clarification, it shall afford the petitioners a reasonable opportunity of personal hearing so that there is no grievance that the petitioners were condemned unheard. Respondent no. 4 shall thereafter take a fresh, reasoned decision in accordance with law.

12. For the sake of clarity, it is expressly made clear that, notwithstanding such reconsideration, the petitioners shall not commence or conduct the D. Pharm course for the academic year 2025–2026, nor shall they admit any students for that year. Any approval that may be granted by respondent No. 4 on reconsideration of the proposal

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shall operate only for the next available academic year, subject, of course, to the petitioners satisfying all regulatory norms as may be applicable at the relevant time. This clarification is necessary in view of the mandate of the Hon'ble Supreme Court fixing 30.09.2025 as the cut-off date for completion of the approval process for the academic year 2025–2026 and in order to avoid any deviation from the academic schedule so prescribed.

13. In the result, the writ petition is partly allowed in the following terms.

- (i) The decision of respondent No.4 dated 18.09.2025 rejecting the petitioners' proposal for approval of a new D. Pharm course for the academic year 2025–2026 is quashed and set aside.
- (ii) The proposal of the petitioners shall stand remitted to respondent No. 4 for fresh consideration in the light of the compliance already submitted by the petitioners and such further material as may be placed on record, and respondent No.4 shall take a fresh, reasoned decision in accordance with law.

(iii) If respondent No.4 considers it necessary for proper adjudication, it shall afford to the petitioners a reasonable opportunity of personal hearing before taking a final decision.

(iv) It is, however, clarified that the petitioners shall not conduct or commence any new D. Pharmacy course for the academic year 2025–2026 and that any approval which may be granted on reconsideration shall enure only for the succeeding academic year, subject to compliance with all applicable norms.

14. The Rule is made absolute in above terms. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE