



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5816 OF 2025

1. Gramin Vikas Multipurpose Education Society, Nagpur Through Its Secretary, Nagpur.

2. Prabhat Institute of Pharmacy, Rui, Tq. Brahampuri, Dist. Chandrapur through its Principal.

....PETITIONERS

....VERSUS....

1. The Pharmacy Council of India Through its Registrar cum Secretary, I-300, 3rd Floor, Tower-1, World Trade Centre, Nauroji Nagar, New Delhi - 110029.
Email: registrar@pci.nic.in

2. State of Maharashtra through its Principal Secretary, Department of Higher and Technical Education, Mantralaya Mumbai-32.

3. Director of Technical Education, Maharashtra State, Central Wing, 1st Floor, Dr. Annie Besant Road, Pune.

4. The Joint Director, Technical Education, Nagpur Division, Nagpur.

5. Dr. Babasaheb Ambedkar Technological University, Lonere, Dist. Ratnagiri Through its Registrar.

6. State Common Entrance Test Cell,
Maharashtra, Through its
Commissioner, 8th Floor, New Excelsior
Building, A.K. Nayak Marg, Fort
Mumbai - 400001.

Email: cetcell@mahacet.org

....RESPONDENTS

Shri F.T.Mirza, Senior Advocate a/b. Shri A.I.Sheikh, Advocate
for petitioners.

Ms. Neerja G. Chaubey, Advocate for respondent no. 1.

Ms. T.H.Khan, AGP for respondent nos. 2 to 4/State.

Shri Nikhil A. Gaikwad, Advocate for respondent no. 6.

CORAM : ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.

DATE : 06/10/2025

ORAL JUDGMENT (PER: ANIL S. KILOR, J.)

Heard learned counsel for the respective parties.

2. In the present matter, the petitioners are having Pharmacy College i.e. petitioner no. 2 college wherein the imparts Bachelor of Pharmacy (B. Pharm) and Master of Pharmacy (M. Pharm) courses. The Circular dated 26/9/2025 issued by the respondent no. 1 - Pharmacy Council of India (for short, "PCI") gave a cause to the petitioners to file this petition as respondent no. 1 vide Circular dated 26/9/2025 added the name of petitioner no. 2 in the list of colleges who

have been put under the category namely “Not to make admission category.” The reason for inclusion of the name of the petitioner no. 2 in such list is that in the inspection carried out by the Joint Director i.e. respondent no. 4, it was revealed that in the petitioner no. 2 – College, instead of ten laboratories, eight laboratories were found and as such, there is a deficiency of two laboratories which according to the petitioners are under construction.

3. In the present matter, while issuing the notice, we categorically recorded three submissions made by the learned counsel for the petitioners namely (1) as per the norms of the PCI, it is not the requirement of ten laboratories, but it is of eight laboratories, (2) the Joint Director has no authority to inspect the petitioner college and (3) the report of the inspection carried out by the Joint Director was not supplied to the petitioner college.

4. Since the point no. 2 relates to the jurisdiction or the authority of the Joint Director to inspect the petitioner college, which goes to the root of the matter and as admittedly

the impugned Circular was issued in light of the inspection report carried out by the Joint Director, we intend to deal with the said issue first.

5. While justifying the power of the Joint Director to inspect the petitioner pharmacy college, in the reply filed by the Joint Director, it is stated in para 4 as under:-

"4. It is further pertinent to submit that, so far as the permission required for conducting the course of B.Pharm and D.Pharm is concerned towards granting permission in that regard, the process for granting new institutions and introduction of new Pharmacy course of all the existing institutions, has been prescribed by the respondent No.1. A copy of said approval process is annexed herewith as Annexure R-I. As per said process, the institutions are required to apply on the portal along with requisite charges and documents at the time of application for consideration by the respondent no.1. One of the document required to be submitted by the institute is NOC of the State Government and consent of affiliation of examining authority. Furthermore, the institutions are required to keep visiting the council websites over circulars/instructions issued by the respondent no. 1 from time to time for strict implementation and to comply with the prescribed norms with regard to infrastructure etc failing which their application would not be considered by the respondent no.1 for the purpose of extension of approval and introduction of new course. Clause 4, 13 and 14 is relevant in that regard.

From the above it is clear that certain obligation is cast on the institution (petitioner no.2) to get the NOC from the State Government in the case of B.Pharm course and consent of affiliation from MSBTE, Mumbai in the case of D.Pharm course and the university concerned in the case of B.Pharm course."

6. No doubt that, for permission to start a new college whether of B.Pharm or D. Pharm, the NOC of the State Government is required and therefore, for issuance of such NOC, there is a power to inspect the college by the State Government.

7. However, nothing is pointed out to show that every year for permission by PCI to admit the student, there is a similar requirement of submission of such NOC. Thus, in absence of any such provisions, it is evident that at the time of starting the college, such NOC is required and once such NOC is given by the State Government, for subsequent permission to admit the student, such NOC is not required. Thus, the sources of power to inspect the college as stated in para 4 is limited to the extent at the time of permission to start the college and not subsequently for permission to admit the students.

8. On the other hand, Section 16 of the Pharmacy Act, 1948 (for short, "Act of 1948") which deals with inspection, says that the Executive Committee may appoint

such number of inspectors as it may deem fit if require for the purpose of said chapter.

9. Sub-section (4) of Section 16 of the Act of 1948 further commands that the Executive Committee shall forward a copy of every such report to the authority or institution concerned and shall also forward a copy together with any comments thereon which said authority or institution may have made, to the Central Government and to the Government of State in which the authority or institution is situated.

10. Nothing is pointed out that the Joint Director was appointed by the Executive Committee of PCI to inspect the petitioner no. 2 college as stipulated under Section 16 of the Act of 1948. Furthermore, it is not pointed out that, such report was forward to the petitioner no. 2 college for its comments on the same, as per Section 16(4) of the Act of 1948.

11. The learned AGP for the State and learned counsel for the PCI argued that since the college is not denying the

deficiencies pointed out in the report, the issue of jurisdiction or the authority of the Joint Director does not have relevance as far as the impugned action is concerned.

12. In addition to this, learned AGP further argued that the State Government received many complaints against the colleges and therefore, inspection was carried out throughout Maharashtra and petitioner no. 2 is not the only college against which such action was taken, but such action was taken against all such colleges where the deficiencies were noticed by the Joint Director.

13. We do not find favour with such arguments as it is a settled law that if the statute provides to do a particular thing in a particular manner, it has to be done in the same manner. If the Joint Director does not possess any power either under the Act or under the norms framed by the PCI, it has no power to inspect the college once NOC was issued to start the college.

14. If any complaints were received by the Joint Director or the State, they could have forwarded it to the PCI for its knowledge and PCI could have carried out the inspection as per the provisions of law. But for the reasons that the Government received such complaints, it will not give power or authority to the Joint Director to inspect the college.

15. Thus, we are of the considered view that PCI issued impugned Circular on the basis of the inspection report submitted by the Joint Director is contrary to the law.

16. Furthermore, such report was not forwarded by the PCI to the petitioner college in compliance with Sub-section 4 of Section 16 of Act of 1948.

17. In the circumstances, as the petitioners succeed on these two points, unless there is a report of the inspector authorized by the PCI as regards the number of laboratories or any deficiency in the petitioner college putting the petitioner no. 2 in the category of "Not to make admission

category” is contrary to law. In the circumstances, we pass the following order:-

ORDER

- (i) The petition is **allowed**.
- (ii) The Circular dated 26/09/2025 (pg.53) issued by respondent no. 1 - Pharmacy Council of India putting the name of petitioner no. 2 - College in the list of Colleges of the Category “Not to make admission category”, is hereby quashed and set aside.
- (iii) Accordingly, we direct the respondent nos. 1, 4 and 6 to include the name of petitioner no. 2 - College on the website created for the purpose of admission at the earliest.
- (iv) The respondent no. 6 is directed to include the name of petitioner no. 2 - College in the list of colleges provided for admission on the website at the respondent no. 6 within 24 hours.
- (v) The respondent no. 6 shall make endeavour for the same.

(vi) The petition is **disposed of** accordingly.

(vii) An authenticated copy of this order be furnished to the parties to act upon.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

B.T.K.