



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

219

CWP-10690-2021 (O&M)

Date of decision: 04.02.2025

Harinderjit Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Puneet Gupta, Advocate for the petitioner

Mr. Arun Gupta, DAG Punjab

Mr. Nitin Kaushal and Mr. Ajit Singh, Advocates
for respondent No.3

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the case is for issuance of direction to appoint the petitioner as a Pharmacist (Pharmacy Officer).
2. The petitioner, who had applied for appointment to the post of Pharmacist in the Sports general category, having the requisite qualifications and registered with Punjab State Pharmacy Council under Section 32(2) of Pharmacy Act, 1948 on 31.03.2011, whereafter, with Pharmacy Council of Union Territory, Chandigarh on 24.12.2014 and again requested for transfer of his registration to Punjab State Pharmacy Council, regarding which NOC was given on 20.10.2020



and registered therewith on the same date.

3. As per the provisional merit list dated 26.11.2020, Annexure P-18, that was drawn after the counseling was held on 24.10.2020, he secured 38 marks in the written exam held on 11.10.2020 and stood at merit No.2 in the category, in which he had applied. The Division Bench of this Court in **Harpreet Kaur vs. State of Punjab and Others**, CWP-1713-2021, vide judgment dated has made the following observations:-

“xx xx xx

32. Now coming to the present petitions wherein all the petitioners have participated in the selection process and afterwards challenged the Rules. Undisputedly all the petitioners, namely, Harpreet Kaur, Satpal and Mohit Kumar got themselves registered with the Punjab Pharmacy Council on 29.10.2020, 23.10.2020 and 02.11.2020, respectively.

33. The object and reasoning behind the enactment of Pharmacy Act, 1948 is to ensure that only the qualified pharmacists can practice pharmacy and that is why they are required to get themselves registered with the States in which they want to practice. Meaning thereby, as per the requirement of Pharmacy Act, 1948, only registered pharmacist shall be permitted to practice profession of pharmacist.

34. A perusal of the definition of registered pharmacist shows that registered pharmacist means a person whose name is for the time being entered in the register of the State in which he is for the time being residing or carrying on his profession or business of pharmacy.

35. Though, we do not find any infirmity in condition (iv) of Sr.No.5, of Punjab Health and Family Welfare Technical (Group 'C') Service Rules, 2016 wherein a specific condition has been imposed for recruitment as pharmacist that he should be registered as pharmacist with the Punjab Pharmacy Council set up under the Pharmacy Act, 1948, whereas this condition in a way would impose bar on the pharmacists who are registered with other States. If reasonable time is not granted to the applicants to get their registration transferred from their State to the State for which they want to apply then that would amount to discrimination with the applicants of other states and it is but obvious that as per the requirement of Pharmacy Act, 1948, one of the conditions in every State for applying for the job of Pharmacist would be to be registered with the Pharmacy



Council of that State. And if that being so, no applicant outside the State would be allowed to participate in the selection process. Therefore, justice demands that applicants from other states should be granted reasonable time period which is required as per the procedure for getting their registration transferred.

36. Before parting with the judgment, we observe as under:-

i) That it is the requirement of Pharmacy Act, 1948 that a person should be registered with the Pharmacy Council of the State in which he is to carry on his profession or business of pharmacy.

ii) Different persons from different States get themselves registered with their State and as and when there is any recruitment, they get their registration transferred to the State wherein they apply for the job and if required time period for transfer is not granted, in public interest, then it would amount to debarring them from participating in the recruitment of the States other than their own.

iii) Therefore, the State Authorities are directed not to debar the candidates, who are registered with other States only because they are not registered with their States before the cut off date. Rather they should grant them a period equal to the period, which is required for transfer/change of registration from one State to other, so that they do not suffer inspite of being meritorious.

iv) There is no infirmity in imposing the condition/requirement of registration with the particular State as pharmacist, whereas debarring others would amount to discrimination.”

4. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to considering the matter, taking note of the aforesaid within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

5. Disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the



same may be passed after granting opportunity of hearing to him and shall contain reasons, whereupon he shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

04.02.2025
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No