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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6461/2025

S G S COLLEGE

.....Petitioner

Through: Mr. Chandrashekhar Singh and Mr.
Ayush Aanand, Advs.

versus

PHARMACY COUNCIL OF INDIA

.....Respondent

Through: Mr. Ajay Kumar Singh, Mr. Yatharth
Singh and Ms. Moulishree Pathak,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.05.2025

1. Mr. Chandrashekhar Singh, learned counsel appearing on behalf of the petitioner submits that in the present petition, the relief essentially being sought is declaration to the effect that the approval granted by the respondent to the petitioner *vide* decision letter dated 21.08.2024 under Section 12 of Pharmacy Act, 1948 for conducting D.Pharm course is permanent in nature subject to withdrawal under section 13 and the petitioner is not statutorily obliged to seek continuation of approval for any subsequent academic session till the time the approval so granted is in force.
2. He submits that the controversy in the present case is squarely covered by the decision of this court passed in the batch of writ petitions with lead matter being W.P.(C) 617/2024, disposed of *vide* judgment dated 01.07.2024.
3. For ready reference, paras 108 to 116 of the aforesaid judgment read



as under:

“XVIII. The further sequitur

108. As a result, paras 10(ii), (iii) and (iv) of the impugned Circular dated 14 December 2023 are clearly contrary to the Act and the Education Regulations. The decision, as reflected therein, to require approved institutions to obtain yearly continuation of approval, cannot therefore sustain legal scrutiny and is liable to be quashed and set aside.

XIX. Re. demand for PERC

109. As I have found the requirement of yearly continuation of the approval granted under Section 12(1) of the Act to be illegal and without authority of law, there can be no question of any institution having to pay PERC repeatedly at the end of every year. The said demand has also, therefore, to fail.

Conclusion

110. In view of the aforesaid discussion, paras 10(ii), (iii) and (iv) of the impugned communication dated 14 December 2023, as well as the provisions to that effect as contained in the Approval Handbook, are quashed and set aside.

111. It is hereby declared that the approval granted to the course of study conducted by an institution under Section 12(1) is to the entire course of study and not to any one year thereof.

112. Such approval, once granted, is to apply, subject it is being liable to be withdrawn in accordance with Section 13. The PCI has no power or authority to call on any institution to obtain continuation of the approval granted under Section 12(1) every year, nor can the PCI require the Institution to pay PERC on an yearly basis to obtain continuation of the approval granted to the courses under Section 12(1).

113. The only exception is in the case of the M. Pharm course, for which the approval would have to be renewed after 5 years, as required by the M. Pharm Regulations.



114. *The writ petition accordingly succeeds and is allowed.*

115. *There shall be no orders as to costs.*

116. *Any amount deposited by the petitioners with the respondent as per the orders passed by this Court, subject to the outcome of the writ petition, shall be returned by the respondent to the petitioners within four weeks.”*

4. He further submits that he aforesaid order of the learned Single Judge has been challenged by the Pharmacy Council of India (PCI) by way of *intra court* appeal being LPA No.614/2024, which is pending consideration before the Division Bench and the same is now coming up for hearing on 10.07.2025.

5. The aforesaid position is not disputed by Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the respondent/PCI.

6. In view of the aforesaid, the present petition is disposed of observing that the directions given, and the statement of law in judgment dated 01.07.2024, in W.P.(C) 617/2024 shall enure to the benefit of the petitioner as well.

7. However, it is made clear that the petitioner shall be governed by the directions which would be passed by the Division Bench of this court in LPA No.614/2024 or any other direction, if any, passed by the Hon'ble Supreme Court.

8. With the aforesaid directions, the petition stands disposed of.

VIKAS MAHAJAN, J

MAY 15, 2025/aj