CGHC010257792022 2026:CGHC:46761

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3582 of 2022

Radhe Shyam Dhakate S/o Ramlal Dhakate Aged About 45 Years R/o Thanapara, Champa, District Janjgir-Champa (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Health Service, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nava Raipur District Raipur (C.G.)

3 - Chhattisgarh Board Of Secondary Education, Raipur Through Its Secretary, Chhattisgarh Board Of Secondary Education Pension Bada, Raipur District Raipur (C.G.)

4 - Secretary Chhattisgarh Board Of Secondary Education, Pension Bada, Raipur, District Raipur (C.G.)

5 - Registrar Chhattisgarh State Pharmacy Council, Quarter No. 88, Sector 2, Geetanjali Nagar, Raipur District Raipur (C.G.)

6 - Board Of School And Technical Education C.G. Through Its Secretary, Building No. A-6 Nature City Mungeli Road, Tahsil And District Bilaspur (C.G.)

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. Pranay Gupta, Advocate on behalf of Mr. Amit Kumar, Advocate
For State	:	Mr. Anil Pandey, GA
For Respondent No. 5.	:	Mr. Vaibhav A. Goverdhan, Advocate.

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

04.11.2026

1. Heard.

2. The petitioner in the writ petition has prayed for the following reliefs :-

> “ 10.1 This Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner from the possession of the respondents for its kind perusal.
>
> 10.2 That, the Hon'ble Court may kindly be pleased to issue appropriate order by quashing the impugned order 18.07.2022 passed by respondent no.5 dated (Annexure P/1).
>
> 10.3 Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted.”

3. The facts of the case, as reflected in the petition, are that vide order dated 18.07.2022, Respondent No. 5 cancelled the petitioner's Pharmacist Registration No. 21785, dated 01.12.2021, on the ground that the petitioner had passed his Class 12th examination from the C.G. Board of School and Technical Education, which, according to Respondent No. 5, was not a recognised educational board. The petitioner appeared in the Class 12th examination conducted by the C.G. Board of School and Technical Education in the year 2013 and successfully passed the said examination. Thereafter, the petitioner was issued a Class 12th marksheet by the said Board. On the basis of the aforesaid marksheet, the petitioner applied for registration as a pharmacist before Respondent No. 5. Upon considering the documents submitted by the petitioner, Respondent No. 5 issued Pharmacist Registration No. 21785 in favour of the petitioner on 01.12.2021. Pursuant to the grant of the said registration, the petitioner started working as a registered pharmacist. However, on 06.07.2022, Respondent No. 5 issued a show-cause notice to the petitioner questioning the validity and recognition of the Class 12th marksheet submitted by him. In response thereto, the petitioner submitted his reply on 12.07.2022 along with relevant documents, explaining his educational qualifications and the validity of the marksheet issued by the C.G. Board of School and Technical Education. However, Respondent No. 5 failed to consider the petitioner's reply and the documents submitted in

support thereof and proceeded to pass the impugned order dated 18.07.2022, whereby the petitioner's Pharmacist Registration No. 21785 was cancelled on the ground that the C.G. Board of School and Technical Education was not a recognised Board.

4. Learned counsel for the petitioner submits that the impugned orders passed by respondent No.4 are erroneous, arbitrary, mala fide and contrary to law, as the petitioners had obtained their Class 10th/12th education from the C.G. Board of School and Technical Education during the period when valid equivalence granted on 07.11.2012 was in force, which was subsequently withdrawn only with effect from 07.03.2015. It is submitted that pursuant to the order dated 14.11.2014 passed by this Court in W.P.C. No.604/2014, the petitioner was permitted to continue his higher study, and accordingly he pursued and completed his Pharmacy Degree/Diploma without any fault on his part. The subsequent order dated 12.10.2018, declaring the marksheets issued by the said Board invalid and denying consequential benefits, is self-contradictory and defeats the intent of the earlier orders of this Court, particularly when the petitioner had completed his education during the subsistence of the equivalence. Learned counsel further submits that the Council of Boards of School Education also recorded that the temporary equivalence was withdrawn only with effect from 07.03.2015, and the relevant eligibility/equivalence material of the C.G. Board of Secondary Education recognized the said Board during the

concerned period. It is therefore contended that the petitioner, having acted bona fide and having acquired his qualification when the equivalence was operative, cannot be prejudiced for any subsequent administrative action, and, particularly in view of orders passed in favour of similarly situated candidates, the impugned order deserves to be quashed and the respondent authorities be directed to treat the petitioner's Higher Secondary marksheet as valid and register them as Pharmacists by issuing the requisite Registration Certificates.

5. Learned counsel appearing for the State submits that the impugned order was passed in accordance with law after withdrawal of the equivalence with effect from 07.03.2015, and that the petitioner's subsequent studies cannot validate an unrecognized qualification. Hence, no interference is warranted and all the petitions are liable to be dismissed.

6. Learned counsel for Respondent No. 4 would contend that the petitioner admittedly completed his 10th/12th from Board of School & Technical Education (C.G.), which is not an approved Board. He would next contend that verification sought by the Chhattisgarh Medical Council from COBSE has confirmed that the said Board does not appear in the list of member Boards. He would next contend that the temporary equivalence granted on 07.11.2012 to the said Board was illegally given, and has been suspended on 11.03.2014. He would next contend that the suspension order was challenged in a batch of petitions led by

WPC No. 604/2014, decided by this Court wherein directions were issued requiring a final decision by the Board within 3 months. Students were given temporary protection only until the final order. He would next contend that COBSE thereafter passed order dated 03.07.2015, revoking the temporary equivalence. He would next contend that the revocation order was upheld by this Court in WPC No. 1556/2016, and the judgment was affirmed in W.A. No. 547/2017 by order dated 07.10.2023. He would next contend that in order to safeguard the interest of the affected students on 12.10.2018 vide Annexure P-10 the Respondent No.2 took a policy decision that the students who studied between 07.11.2012 to 07.03.2015 were permitted to appear as private students, but without any entitlement to mark-sheets of the said unrecognized Board. He would lastly contend that since the petitioner did not study during this protected period, and since their 10th/12th is from an unrecognized Board, their registration was rightly cancelled and once the final orders of 03.07.2015 and 07.10.2023 attained finality, no protection remains available. Therefore, the order impugned is well merited which do not call for any interference by this Court.

7. No representation is made on behalf of other respondents, despite service of notice.

8. I have heard learned counsel for the parties at length and perused the documents with utmost circumspection.

9. Perused the order dated 18.07.2022 (Annexure P/1) whereby the

respondent No. 5 has cancelled the registration of Petitioner as Pharmacists.

10. From perusal of the document it is apparent that it is not in dispute that the petitioner has completed his 10th/12th from Board of School & Technical Education (C.G.) and the temporary equivalence of the said Board has been suspended on 11.03.2014 followed by a final order of COBSE dated 03.07.2015 revoking equivalence. This Court by order dated 26/09/2017 in WPC No. 1556/2016 and order dated 07/10/2023 passed in W.A. No. 547/2017 maintained the revocation order.

11. The protection granted by the Division Bench in WPC No. 604/2014 was only interim and was expressly limited until the final decision of the authorities. Once the revocation order of 03.07.2015 was passed and upheld, the provisional protection came to an end. From perusal of the aforesaid order it is crystal clear that the petitioner’s case does not fall in the special category of students protected under order dated 12.10.2018, who studied between 07.11.2012 to 07.03.2015. The petitioner completed his 10th or 12th standard examinations in the respective years of 2012, 2012, 2014, 2012, and 2013. However, official records indicate that the Board was unrecognized during this period. Consequently, legal protection was limited strictly to permitting his appearance as private candidate, without conferring any benefits or validity to the Board's mark-sheets.

12. Since the petitioner never possessed a valid 10th/12th mark-sheet

recognized by any competent authority. Consequently, the registration granted to him was based upon an invalid qualification and the respondent was justified in revisiting and cancelling it after proper notice. In view of the considered opinion of this Court, the impugned order dated 18.07.2022 reflects due consideration of the petitioner's case and is based on settled judicial and administrative findings and does not suffer from any perversity, illegality or arbitrariness.

13. Therefore, in view of the above discussion, this Court is of the opinion under the given facts & circumstances of the case, the petitioner is not entitled for any relief from this Court.

14. Accordingly, the instant petition being devoid of substance is liable to be and hereby **dismissed.**

15. No order as to cost(s).

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL