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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5955/2026 & CM APPL. 29217/2026**
BABA RAMDAL SURAJDEV PHARMACY COLLEGE

.....Petitioner

Through: Mr. Mayank Manish Adv Mr. Ravi
Kant Adv Mr. Vineet Upadhyay Adv Ayush
Aanand Adv

versus

PHARMACY COUNCIL OF INDIARespondent

Through: Mr. Chetanya Singh. Mr. Chetan
Sharma, Advs.

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+ **W.P.(C) 5957/2026 & CM APPL. 29224/2026**
BABU SATIRAM JAIKARAN SAMARAK PHARMACY
COLLEGE

.....Petitioner

Through: Mr. Mayank Manish Adv Mr. Ravi
Kant Adv Mr. Vineet Upadhyay Adv Ayush
Aanand Adv

versus

PHARMACY COUNCIL OF INDIARespondent

Through: Mr. Chetanya Singh. Mr. Chetan
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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06.05.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following reliefs:

“(a) a Civil Writ of Certiorari for quashing of the Decision Letter dated 05.03.2026 issued by the Respondent, to the extent of it rejecting the approval to Petitioner Institution for M. Pharm courses for the present Academic Session 2026-27, in an Arbitrary, Illegal & Contemptuous Manner;



and

(b) a Civil Writ of Mandamus for direction to Respondent, to process the application of the Petitioner Institution de hors the requirement of Consent of Affiliation of the Affiliating University and consequently grant approval to Petitioner Institution for the applied M. Pharm course for the present Academic Session 2026-27; in terms of order dated 08.09.2025 passed by the Hon'ble Supreme Court of India . . .”

2. The brief facts in the present case are that the respondent has been established under the Pharmacy Act, 1948 (“***the Act***”) to regulate the field of pharmacy education, institution and courses in the country.
3. The affiliating university in the present case is Dr. Abdul Kalam Technical University (“***AKTU***”) established under Uttar Pradesh Technical University Act, 2000.
4. The petitioner is a pharmacy institution sponsored by its society namely Babu Rajendra Singh Charitable Trust and is duly approved by the respondent to run B Pharm and D Pharm Courses admittedly since 2019-20.
5. The respondent *vide* circular dated 03.10.2025 invited applications from institution for extension of approval for existing pharmacy courses and for granting fresh approval for other courses as well as approval of other institutions.
6. The petitioner institution applied for extension of existing B Pharm and D Pharm Course and fresh approval of proposed M Pharm Courses. The same has been rejected by the respondent in the impugned decision letter dated 05.03.2026. The primary reasons for rejection in the impugned order is as



under:-

a) Non-Submission of the Consent of Affiliation (“COA”) of the examining authority for 2026-27 academic session for the said pharmacy courses.

7. Hence, the present petition.

8. The learned counsel for the respondent states that in terms of Section 10, 11 and 12 of the Pharmacy Act of 1948, the respondent has framed regulations for granting the approval to the colleges and he more particularly places reliance on Regulation 9 reads as under:-

“9. Approval of the authority conducting the course of study-

- 1. No person, institution, society, trust or university shall start and conduct B. Pharm programme without the prior approval of the Pharmacy Council of India.*
- 2. Any person or pharmacy college for the purpose of obtaining permission under sub-section (1) of section 12 of the Pharmacy Act, shall submit a scheme as may be prescribed by the Pharmacy Council of India.*
- 3. The scheme referred to in sub-regulation (2) above, shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed: Provided that the Pharmacy Council of India shall not approve any institution under these regulations unless it provides adequate arrangements for teaching in regard to building, accommodation, labs., equipments, teaching staff, non-teaching staff, etc., as specified in Appendix-A to*



these regulations.”

9. He further draws my attention to the Scheme framed under regulation 9 for the academic session 2026-27 and more particularly clause No. 4, which reads as under:-

4. During approval process for the academic year 2026-2027 for introduction of new pharmacy course(s) by existing institutions as well as new institutions applying for the first time, the institution will have to apply on the portal along with requisite Pharmacy Education Regulatory Charges (non refundable) along with GST and submit the below mentioned documents mandatorily at the time of application for consideration of the application –

i) For B.Pharm course

a) Consent of affiliation of Examining Authority valid for 2026-2027 academic session.

b) NOC of the State Government valid for 2026-2027 academic session.

In case, the State Government has done away with the issuance of NOC of the State Government for starting of pharmacy course, in that case institution shall upload the said communication from the State Government as documentary evidence.

ii) For D. Pharm / Pharm. D & Pharm. D (Post Baccalaureate) / new M. Pharm course and introduction of new M. Pharm specialization / B. Pharm (Practice) course .

a) Consent of affiliation of the Examining Authority valid for 2026-2027 academic session

b) MOU with 300 bedded hospitals (applicable for Pharm. D course) in the prescribed format.

10. He states that the COA of examining authority is a pre-requisite before the respondent can consider the application for grant of approval for fresh courses. Additionally, as regards the NOC is concerned, it is only in the cases where the State Government has done away with the issuance of NOC on uploading of the said application, the requirement of NOC can be dispensed with for grant of approval for fresh courses/extension of the existing courses.

11. He further states that it is admitted that the State Government has done away with the NOC and it is only the COA of the examining authority which the petitioners have failed to comply with.

12. He draws my attention to a response of 10.11.2025 to the letter of the



university of examining authority/affiliating university AKTU of 01.11.2025,
wherein the response reads as under:-

“Speed Post + email

Ref. 17-137/2025/Part-1 (Lead File Uttar Pradesh)

INSP-12036/8/2025-INSPINSP-12036/8/2025-INSP

To

<i>The Principal Secretary Technical Education Section-1 Govt. of Uttar Pradesh <u>Uttar Pradesh</u> Email: <i>psecup.health@gmail.com</i> <i>Acs.ted@up.gov.in</i></i>	<i>The Registrar Dr APJ Abdul Kalam Technical University Institute of Engineering and Technology Campus Sitapur Road <u>Lucknow</u> <u>(Uttar</u> <u>Pradesh)</u> Email: <i>registrar@aktu.ac.in</i></i>
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***Subject: Inviting kind attention to the Hon’ble Supreme Court
judgment in Pharmacy Council of India vs S.K. Toshniwal
Educational Trust’s Vidarbha Institute of Pharmacy & Ors. –
reaffirming the supremacy of the Pharmacy Act, 1948 and the
apex regulatory role of PCI in pharmacy education.***



Ref: 1. Letter No. AKTU/KU S KA /2025/9144 dt.1.11.2025 received from AKTU.

2. Letter No.1/1129089/2025/16-1099/21/2025 dt.31.10.2025 from U.P. Govt.

Sir,

This is in reference to above cited letters. It is informed that the Pharmacy Council of India (PCI), constituted under the Pharmacy Act, 1948, is the statutory body entrusted with regulating the standards of pharmacy education and profession across the country. Your kind attention is invited to the judgment of the Hon'ble Supreme Court of India in Pharmacy Council of India vs S.K. Toshniwal Educational Trust's Vidarbha Institute of Pharmacy & Ors., 2020 wherein the Court has held that the Pharmacy Act, 1948 is a complete and self-contained code in itself and that the Pharmacy Council of India is the sole and apex authority empowered to regulate and prescribe norms for pharmacy education in India.

It is respectfully submitted that the Pharmacy Council of India has statutory authority to require specific documents as part of the approval process for the Bachelor of Pharmacy (B. Pharm) course. This authority emanates from Sections 10 and 18 of the Pharmacy Act, 1948, under which the PCI has framed the B. Pharm Regulations, 2014, prescribing the standards and procedures for approval of institutions.

Under Regulation 9(2) of the said Regulations, the PCI has notified



a comprehensive Scheme for Approval of B. Pharm Course. As per Scheme 3 of this framework, every applicant institution is required to furnish:

- 1. No Objection Certificate (NOC) issued by the concerned State Government, and*
- 2. Consent of Affiliation issued by the Examining Authority (i.e., the affiliating University/Board).*

The PCI considers and grants approval for the course only upon receipt of these statutory documents, which have been recognized and upheld as mandatory prerequisites by the Hon'ble Supreme Court in several judgments, including PCI vs S.K. Toshniwal Educational Trust.

It is, however, brought to the kind notice that, in complete defiance of the statutory provisions enshrined under the Pharmacy Act, 1948 and the Regulations made thereunder, the Examining Authority in the State has recently declined to issue the Consent of Affiliation to certain institutions on the premise that there is no specific Act or order of the State Government directing them to do so. This position is inconsistent with the established legal framework and contrary to the practice consistently followed over the years, during which Consents of Affiliation were routinely issued to eligible institutions in accordance with the statutory process prescribed by the PCI. Such deviation, without any amendment to the law or policy, is legally untenable and obstructs the implementation of the provisions of a central enactment.

The requirement of Consent of Affiliation is not a matter of



administrative discretion but a statutory necessity flowing directly from the B. Pharm Regulations, 2014, framed under Sections 10 and 18 of the Pharmacy Act, 1948. The Examining Authority, being an integral part of the statutory scheme, is duty-bound to issue such consent once the prescribed conditions are satisfied. The refusal to do so on the ground of absence of a separate directive from the State Government effectively negates the operation of the Pharmacy Act, which, being a central legislation, prevails over any contrary administrative instruction or local practice. The Hon'ble Supreme Court, in Pharmacy Council of India v. Dr. S.K. Toshniwal Educational Trusts & Ors., 2020, has unequivocally affirmed that the Pharmacy Act is a self-contained code and that the authority to regulate pharmacy education lies exclusively with the PCI.

The continued refusal of the Examining Authority to issue the Consent of Affiliation therefore contravenes the provisions of the Pharmacy Act, 1948 and the Regulations framed thereunder, creating uncertainty and hardship for institutions and students alike. Such obstruction disrupts the statutory approval process, causes confusion among stakeholders, and undermines the uniformity and credibility of pharmacy education as envisaged under the Act.

In view of the above, the Pharmacy Council of India humbly requests to ensure that the statutory scheme under the Pharmacy Act, 1948 and the B. Pharm Regulations, 2014 is implemented in letter and spirit by all concerned authorities in the State. It is



earnestly requested that necessary directions may kindly be issued to the Examining Authority to continue granting Consent of Affiliation to eligible institutions in accordance with law and established precedent, so that the interests of students and institutions are safeguarded and the statutory mandate of the Pharmacy Council of India, as upheld by the Hon'ble Supreme Court, is faithfully observed.

The Council reiterates its commitment to maintaining the highest standards of pharmacy education and deeply values the continued support and cooperation of the Government of Uttar Pradesh in furthering this objective.

In this connection, it is intimated that State Government and Examining Authority had been issuing earlier the following letters to Pharmacy courses:

- 1. Copies of No Objection Certificate (NOC) issued earlier by the State Government to Pharmacy institution (**Appendix-1**).*
- 2. Copies of Consent of Affiliation issued earlier by the Examining Authority to Pharmacy (i.e., the affiliating University/Board). (**Appendix-2**)*

In view of above, you are requested to issue NOC of State Govt. / consent of affiliation of Examining Authority to Pharmacy courses so that PCI can process the application of institutions.

Yours faithfully

(Anil Mittal)

Registrar-cum-Secretary



Cc to-

Dr. Montukumar M. Patel

Hon'ble President,

Pharmacy Council of India, New Delhi

E-Mail - presidentpci2718@gmail.com"

13. He states that the COA is a requirement under the Pharmacy Council Act and in the absence of the same, the respondent is correct in rejecting the request of the petitioner. Reliance has also been placed on the judgment of ***The Pharmacy Council of India v. Dr. S.K. Toshniwal Educational Trusts Vidarbha Institute of Pharmacy and Ors. etc. (2021) 10 SCC 657.***

14. I have heard learned counsels for the parties.

15. In the present case, there is no dispute with regard to the powers of respondent and its rule making authority. The respondent is a statutory authority for regulation and grant of all pharmacy courses in the country. Additionally, the Pharmacy Council of India has the statutory authority to mandate requirement of specific documents for granting approval in terms of Section 10 and 18 of the Act. The above said judgment of the Hon'ble Supreme Court in ***Dr. S.K. Toshniwal Educational Trusts Vidarbha Institute of Pharmacy (supra)*** further clarifies the same position.

16. In this view of the matter, there is no dispute with the requirement laid down in the scheme under clause 4 framed by the respondent. However, the issue at present is of its implementation.

17. In the present case, the petitioner's institutions have repeatedly been writing to the affiliating university regarding COA. The response of the AKTU, the affiliating university, has been consistent and same and have been



reproduced from the letter of 01.11.2025. The operative portion reads as under:-

Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh
Sector-11, Jankipuram Extension Scheme, Lucknow-226031

Letter: - AKTU/VC Off/2025/9144 Dated 01 Nov, 2025

To,
Member Secretary,
Pharmacy Council of India
NBCC Centre, 3rd Floor, Plot No.02
Community Centre, Maa Anandamayi Marg,
Okhla Phase-1, New Delhi 110020

Sir,

The portal for the academic session 2026-27 has been started by the Pharmacy Council of India vide Letter No.14-56/2024-PCI (Approval Process for 2026-27 a.s.) dated 03.10.2025, and the last date for application is 31.10.2025 and instructions have been given to provide the following documents for the said application: -

4. During approval process for the academic year 2026-2027 for introduction of new pharmacy course(s) by existing institutions as well as new institutions applying for the first time, the institution will have to apply on the portal along with requisite Pharmacy Education Regulatory Charges (non-refundable) along with GST and submit the below mentioned documents



mandatorily at the time of application for consideration of the application-

- i) For B. Pharm course
 - a) Consent of affiliation of Examining Authority valid for 2026-2027 academic session.
 - b) NOC of the State Government valid for 2026-2027 academic session.

In case, the State Government has done away with the issuance of NOC of the State Government for starting of pharmacy course, in that case institution shall upload the said communication from the State Government as documentary evidence.

In this regard, I am directed to inform you that there is no provision in the University Act and Regulations regarding granting of Consent of Affiliation of Examining Authority/NOC by the University and vide the Government Order No. 1/1129089/2025/16-1099/21/2025 dated 31.10.2025 issued by the Technical Education Department, Government of Uttar Pradesh, the procedure for opening new institutions of degree and other higher level in Pharmacy stream and for starting new courses in old institutions has been determined in which no



provision has been made regarding NOC. In such a situation, if PCI grants permission for opening a new institution/starting a new course, then the University will proceed to grant affiliation as per the provisions given in the Government Order and the Act/Regulations of the University.

Yours Sincerely,
(Rina Singh)
Registrar

Copy to: For information and necessary action.

1. Additional Chief Secretary, Technical Education Department, Government of Uttar Pradesh, Lucknow.
2. Sent to Staff Officer, Vice Chancellor's Office for information of Hon'ble Vice Chancellor.
3. All related institutions.

(Reena Singh)
Registrar

True Translated Copy

18. The same has also been reiterated in the letter dated 04.02.2025 (which is in my opinion wrongly dated and should be 04.02.2026). The paragraph Nos. 3 and 4 read as under:-



ANNEXURE P-24

Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh
Sector-11, Jankipuram Extension Scheme, Lucknow-226031

Letter: - AKTU/VC Off/2025/10420 Dated 04 Feb, 2025

To,
Registrar-cum-Secretary
Pharmacy Council of India
I-300, 3rd Floor, Tower-I,
World Trade Centre,
Nauroji Nagar, New Delhi-110029

Subject: Regarding Consent of Affiliation of Examining
 Authority / NOC

Sir,

Kindly have the reference of letters dated 10.11.2025 and 15.01.2026 received from Pharmacy Council of India through emails. Vide the said letters, it has been informed regarding the necessity of obtaining Consent of Affiliation from Examining Authority/NOC and request for issuing Consent of Affiliation from Examining Authority/NOC, has been made.

In this matter, vide various letters of the University, the Government has been requested to provide guidelines regarding issuing Consent of affiliation of Examining Authority/NOC.

In continuation of the above, vide the Government's letter dated 10.01.2026, the Pharmacy Council of India has been informed



in the following manner, with regard to Consent of affiliation of Examining Authority/NOC: -

"In reference to the aforesaid, I am directed to say that in the light of the Hon'ble Prime Minister's policy of "Minimum Government-Maximum Governance" and in view of the absence of any provision for grant of No Objection Certificate (NOC) and Consent of Affiliation in the provisions of Dr. A.P.J. Abdul Kalam Technical University Act, 2000, the Government of Uttar Pradesh, vide Government Order No. I/1129089/2025/16-1099/21/20255, dated 31.10.2025, has decided to simplify, restructure and rationalize the process of establishing new degree and other higher level institutions in the pharmacy stream and starting new pharmacy courses in the existing institutions, and to grant final approval to the applications received for affiliation at the level of Dr. A.P.J. Abdul Kalam Technical University after ensuring necessary action; so as to end the litigations and other legal complications being filed before Hon'ble High Court, by implementing the mechanism.



3 It is informed that in compliance with the provisions of the aforesaid policy and Act, the process of No Objection Certificate (NOC) of the State Government and Consent of Affiliation given by the Examining Authority for granting affiliation to new degree level engineering institutions in the State, has been simplified, rationalized and abolished by the State Government vide Government Order No. 1023323 dated 12 July 2025, to which AICTE has no objection. The engineering institutions of the State and the students studying in them are benefiting from this decision of the Uttar Pradesh Government.

4. Therefore, under the new system implemented by the Government of Uttar Pradesh, now as per the provisions of Dr. A.P.J. Abdul Kalam Technical University Act, 2000, prior approval of the State Government is required to be obtained before issuing affiliation letter by the University for "starting new institutes and new courses", so that the Pharmacy Council of India can consider the applications at its own level without waiting for the approval of the State Government.

5. Apart from this, it is also to note that at point 4 (1) of the Notification No.14-56/2024-PCI (Approval Process



for 2025-26 as)/5080 dated 17.12.2024 issued by Pharmacy Council of India, New Delhi, it has been provided with regard to applications for B. Pharma course that if the system of issuing NOC by the State Government for starting Pharmacy course is abolished, then in that case the institute will upload the order of the State Government on the portal as documentary evidence.

Thus, in view of the aforesaid, I am directed to request you to take further action, keeping in view the aforesaid Order of the Technical Education Department-01 of the Uttar Pradesh.

Enclosure – As aforesaid

Yours Sincerely,
(Rina Singh)
Registrar

Copy to: For information and necessary action.

1. Special Secretary, Technical Education Department-01, Govt. of U.P., Lucknow.
2. Director/Principal, all the institutions affiliated to the University
3. Depute Secretary, Pharmacy Council of India, I-300, 3rd Floor, Tower-I, World Trade Centre, Nauroji Nagar, New Delhi-110029
4. Staff Officer, Vice Chancellor's Office, AKTU Lucknow

(Reena Singh)
Registrar

True Translated Copy



19. The letter of the Government of Uttar Pradesh dated 10.01.2026 is also important in this regard and the relevant portion reads as under:-

“3. It is informed that in compliance with the provisions of the aforesaid policy and Act, the process of No Objection Certificate (NOC) of the State Government and Consent of Affiliation given by the Examining Authority for granting affiliation to new degree level engineering institutions in the State, has been simplified, rationalized and abolished by the State Government vide Government Order No. 1023323 dated 12 July 2025, to which AICTE has no objection. The engineering institutions of the State and 281 the students studying in them are benefiting from this decision of the Uttar Pradesh Government.

4. Therefore, under the new system implemented by the Government of Uttar Pradesh, now as per the provisions of Dr. A.P.J. Abdul Kalam Technical University Act, 2000, prior approval of the State Government is required to be obtained before issuing affiliation letter by the University for "starting new institutes and new courses", so that the Pharmacy Council of India can consider the applications at its own level without waiting for the approval of the State Government.

5. Apart from this, it is also to note that at point 4 (1) of the Notification No.14-56/2024-PCI (Approval Process for 2025-26 as)/5080 dated 17.12.2024 issued by Pharmacy Council of India, New Delhi, it has been provided with



regard to applications for B. Pharma course that if the system of issuing NOC by the State Government for starting Pharmacy course is abolished, then in that case the institute will upload the order of the State Government on the portal as documentary evidence. 282 Therefore, you are requested to take note of the afore mentioned Government Order and new procedure of the State of U.P. and please take the further action, accordingly.”

20. A perusal of the aforesaid paragraphs shows that the State of Uttar Pradesh as well as the affiliating university have categorically stated that there is no requirement of a COA of the examining authority as well as an NOC of the State Government for grant/ extension of any course. That being position of the State of Uttar Pradesh as well as the affiliating university, the respondent insistence on providing the said documents by the petitioner institution is meaningless. The petitioner institution is incapable and is not in a position to provide these documents in view of a clear stand of the university as well as the State that the documents are not required as a pre-condition for grant of approval.

21. In this view of the matter and in view of the aforesaid factual position, the petition is allowed and the impugned decision dated 05.03.2026 is quashed. Thus, respondent is directed to process application of the petitioner institution without insisting on the requirement of the aforesaid two documents and in accordance with the timeline fixed by the Hon'ble Supreme Court.

22. With the aforesaid directions, the petition is disposed of.



W.P.(C) 5957/2026

23. This is a writ petition filed under Article 226 of the Constitution of India seeking identical reliefs as W.P.(C) 5955/2026 with respect to extension of approval for existing pharmacy courses/ fresh approval of pharmacy courses.

24. Since the matter has been heard in W.P.(C) 5955/2026, it is agreed between the parties that the position of law stated above shall apply to the present case as well.

25. Accordingly, the impugned decision letter rejecting the grant of approval of pharmacy courses to the petitioner institution is quashed and the respondent is directed to process application of the petitioner institutions without insisting on the requirement of the aforesaid two documents and in accordance with the timeline fixed by the Hon'ble Supreme Court.

26. The petition is disposed of in aforesaid terms.

JASMEET SINGH, J

MAY 6, 2026 / (MS)