

Court No. - 8

Case :- WRIT - C No. - 4171 of 2025

Petitioner :- Babu Ram Education Society, Mainpuri Thru. Secy. / Authorized Signatory, Shri Dinesh Chandra

Respondent :- State Of U.P. Thru. Addl. Chief/Prin. Secy. Deptt. Of Technical Education, Lko. And Others

Counsel for Petitioner :- Rajat Rajan Singh

Counsel for Respondent :- C.S.C., Ravi Singh

Hon'ble Jaspreet Singh, J.

1. Heard the learned counsel for the petitioner, learned Additional Chief Standing Counsel Shri Pankaj Srivastava for the State respondent and Shri Ravi Singh learned counsel for the respondent no.2.

2. By means of the instant petition, the petitioner prays for the following reliefs:-

(i) To issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 24.04.2025 passed by the respondent no.2, as contained in Annexure no.1 to the writ petition;

(i-a) To issue a writ, order direction in the nature of certiorari quashing the decision/order dated 21.02.2025 of the respondent no.2, as contained in annexure No.11 to the writ petition;

(ii) To issue a writ, order or direction in the nature of mandamus commanding the respondents to not to give effect the operation and implementation of the impugned order dated 24.04.2025 passed by the respondent no.2, as contained in Annexure no.1 to the writ petition;

(iii) To issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 i.e. Pharmacy Council of India to consider and process the Application submitted by the Petitioner seeking approval of Diploma in Pharmacy Course with 60 seats for academic session 2025-26 in Petitioner's Institution namely "Shri Bahuram College of Pharmacy District Mainpuri" on the basis of Consent of Affiliation granted by Respondent no.3 vide letter dated 07.06.2024, as contained in Annexure No.10 to the writ petition;

(iv) To issue any other writ, order or direction which this Hon'ble Court may deem just and proper in circumstances of the case;"

3. On 26.05.2025, the Court had required the counsel for the respondent no.2 to seek instructions. Shri Ravi Singh has provided a copy of the written instructions received by e-mail dated 28.05.2025, a copy of which has been provided to the Court for perusal and the same is taken on record.

4. The controversy involved in the instant petition resolves around the fact that the petitioner's Society in order to run a course of D-Pharma had applied for the consent of affiliation from the respondent no.3 which was given for the academic year 2024-2025.

5. Thereafter while seeking approval from the Pharmacy Council of India the petitioner had submitted its documents. However, in the inspection it was found that there was a certain deficiency because of which the approval could not be granted. The petitioner assailed the same by filing an appeal and since the appeal could not be decided hence the petitioner approached this Court by means of Writ-C No.3348 of 2025 which came to be disposed of by means of order dated 08.04.2025 directing the respondent to consider and decide the appeal of the petitioner regarding processing the application for running of the course of D-Pharma which 60 seats for the academic year 2025-2026.

6. In furtherance of the order passed by this Court dated 08.04.2025, the case of the petitioner was considered and by means of the impugned order dated 24.04.2025 the said appeal came to be rejected primarily on the ground that the institution while submitting its appeal had filed the consent affiliation from the examining authority which was for the academic year 2024-2025 which is not acceptable for the academic year 2025-2026.

7. The petitioner being aggrieved instituted the instant petition and has raised various grounds, inter alia, that

once the consent of affiliation has been granted by the examining authority for the academic year 2024-2025, there was no requirement to seek a fresh consent letter unless the same was withdrawn.

8. It is urged that unless and until the consent is treated as valid, the end result would be, that the petitioner would be running from one authority to the other and with passage of time which is of essence, the institution would never be able to initiate its education programme.

9. It is further urged that at the behest of certain other parties who had approached the Apex Court certain orders were passed on 22.05.2025. It is urged that in the said order of the Apex Court, this aspect has also been taken note of while dealing with the Writ Petition Civil No.95 of 2025 and in Contempt Petition No.32 of 2025 which were all decided alongwith the other matters on 22.05.2025.

10. It is urged that the Apex Court has already granted extension for the approval process of the institution till 31st of August, 2025 and the appeals etc. are to be decided by the 30th September, 2025. It is urged that in this view the case of the petitioner can be considered especially when there is no deficiency now relating to the institution and the alleged compliance sought by the Pharmacy Council of India is purely technical and it has already been diluted by the Apex Court in terms of its order dated 09.05.2025.

11. Shri Ravi Singh, learned counsel appearing for the Pharmacy Council of India has submitted that as far as his instructions are concerned, it has been indicated that the only hitch for the Pharmacy Council of India is that in case if the consent of affiliation for the academic year 2024-2025 is considered and at a later stage the State Authority refuses to hold the examination then it may create an embarrassment for the Pharmacy Council of India.

12. Be that as it may, a specific query was put to the counsel for the State as well as the Pharmacy Council of

India as to whether the consent of affiliation is to be obtained by the institution year after year to which it has been unanimously submitted by the respective counsel that it is required whenever either a fresh institution is to start a course or in cases where an already functioning institution wishes to start a new course additionally.

13. In this view of the matter, this Court *prima facie* finds that the instant institution had applied for the said documents as a fresh institution. They already had the consent of affiliation for the academic year 2024-2025, however, at the time of applying for the approval from the Pharmacy Council of India, on account of certain deficiencies the case of the petitioner could not be considered against which the petitioner had filed an appeal. In the appeal the necessary document was filed which was taken note of but since it related to the academic year 2024-2025, hence it was turned down. The very fact is that the petitioner is a new institution and it got consent of affiliation for the academic year 2024-2025 and the same continue and it has not been revoked hence ground of the Pharmacy Council of India for refusing the same does not appear to be cogent.

14. The matter requires consideration.

15. Let counter-affidavit be filed by the Pharmacy Council of India.

16. As an interim measure, it is provided that the operation of the impugned order dated 24.04.2025 shall remain stayed.

17. List this matter again on 9th of July, 2025, as fresh.

Order Date :- 29.5.2025

ank