

Court No. - 7**Case :-** WRIT - C No. - 6289 of 2025**Petitioner :-** Ram Newaj Singh College Of Pharmacy, Ayodhya Thru.
Its Manager Manish Singh And 2 Others**Respondent :-** State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Of
Technical Education. Lko. And 3 Others**Counsel for Petitioner :-** Ajay Pratap Singh**Counsel for Respondent :-** C.S.C.,D.K. Singh Chauhan,Ravi Singh

AND

Case :- WRIT - C No. - 6324 of 2025**Petitioner :-** Mata Madhuri Devi Sikshan Seva Sansthan Thru.
Authorised Signatory Sri Shubham Rai And Another**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Technical
Education Lko. And 3 Others**Counsel for Petitioner :-** Prafulla Tiwari,Naveen Shukla**Counsel for Respondent :-** C.S.C.,D.K. Singh Chauhan,Ravi Singh

AND

Case :- WRIT - C No. - 6367 of 2025**Petitioner :-** C/M Rinmat Reg. Managment And Tech. Literary
Society Thru.Auth. Sign. Sri Satish Singh And 5 Others**Respondent :-** State Of U.P. Thru. Addl. Chief Secy./ Prin. Secy.
Deptt. Of Tech. Edu. Lko And 3 Others**Counsel for Petitioner :-** Rajat Rajan Singh**Counsel for Respondent :-** C.S.C.,D.K. Singh Chauhan,Ravi Singh

AND

Case :- WRIT - C No. - 6531 of 2025**Petitioner :-** Mahatma Jagjeevan Sahab Institute Of Medical Science
Thru. Manager,Sri N. P. Singh And 4 Others**Respondent :-** State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Of
Technical Education Lko. And 3 Others**Counsel for Petitioner :-** Ajay Pratap Singh,Puttan Singh**Counsel for Respondent :-** C.S.C.,D.K. Singh Chauhan,Ravi Singh

AND

Case :- WRIT - C No. - 6535 of 2025

Petitioner :- Late Amarnath Anand Trust Thru. Authorised Signatory
Sri Shashi Kant Srivastava And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Technical
Education U.P. Lko. And 3 Others

Counsel for Petitioner :- Naveen Shukla, Prafulla Tiwari

Counsel for Respondent :- C.S.C., D.K. Singh Chauhan, Ravi Singh

Hon'ble Pankaj Bhatia, J.

1. Instructions filed today in Court are taken on record.
2. Since all the petitions arise out of same issue, they are being decided together by this common order. The issues raised are recurring one and arise in every academic year.
3. Heard Shri Ajay Pratap Singh, Shri Prafulla Tiwari, Shri Rajat Ranjan Singh, learned counsel(s) for the petitioners; Shri Rahul Shukla, learned Additional Chief Standing Counsel for the State and Shri Ravi Singh, learned counsel for Pharmacy Council of India.
4. For the sake of convenience, facts of Writ - C No.6289 of 2025 are being taken up.
5. Contention of learned counsel for the petitioners and the pleadings indicate that the petitioners are established and running institutions for the purpose of D.Pharma courses and are managed by the petitioners. It is also stated that the institutes are affiliated with the Board of Technical Education, U.P., Lucknow. It is argued that it is the Pharmacy Council of India (*for short 'PCI'*) which has been established in terms of The Pharmacy Act, 1948 (*for short 'the Act'*) which is well and duly empowered to grant approval for the institutes which are desirous of running and imparting D.Pharma courses.
6. It is argued that in the year 2025 - 26, the petitioners had applied for grant of approval which is done on a yearly basis, however, no orders have been passed by the PCI on the applications filed by the petitioners for grant of approval. It is also stated that after the approval is granted by the PCI, it is incumbent upon the petitioners to take

affiliation from respondent no.2 which is well and duly empowered to grant affiliation.

7. It is argued that, on the one hand, no steps are being taken for disposal of the applications filed for grant of approval, on the other hand, respondent no.3 has issued a schedule for counselling wherein the following schedule has been prescribed:

COUNSELLING – 2025
Proposed Online (1st Phase) Main Counselling Schedule
(1st to 3rd Round) Group – A, B, C, D, E, G, H, I, K1 to K8 & L
FOR QUALIFIED CANDIDATES OF UP STATE

Sl.No.	Counselling Activities	Date
Round - 01		
1	1 st Round choice filling (for QUALIFIED candidate of U.P. State)	27/06/2025 to 02/07/2025
2	1 st Round seat allotment	03/07/2025
3	1 st Round online freeze/float option selection for all candidates, and deposit security + counselling fees through their login (online)	04/07/2025 to 06/07/2025
4	Document verification at the District Health Centres (only for freeze candidates)	04/07/2025 to 07/07/2025 (upto 6 PM)
5	1 st Round admitted seat withdrawal	08/07/2025
Round - 02		
1	2 nd Round choice filling (for QUALIFIED candidate of U.P. State)	09/07/2025 to 11/07/2025
2	2 nd Round seat allotment	12/07/2025
3	2 nd Round online freeze/float option selection for all candidates, and deposit security + counselling fees through their login (online)	13/07/2025 to 15/07/2025
4	Document verification at the District Health Centres (only for freeze candidates)	13/07/2025 to 16/07/2025 (upto 6 PM)
5	2 nd Round admitted seat withdrawal	17/07/2025
Round - 03		
1	3 rd Round choice filling (for QUALIFIED candidate of U.P. State)	18/07/2025 to 20/07/2025
2	3 rd Round seat allotment	21/07/2025
3	3 rd Round deposit security + counselling fees through their login (online). All candidates are auto frozen.	22/07/2025 to 24/07/2025
4	Document verification at the District Health Centres (only for freeze candidates)	22/07/2025 to 25/07/2025 (upto 6 PM)
5	1 st to 3 rd Round admitted seat withdrawal	26/07/2025
Commencement of classes for session 2025 – 26		01/08/2025

8. It is argued that the issue with regard to the dates as specified as timeline for starting and completion of the D.Pharma courses engaged the attention of the Supreme Court in the case of ***Parshvanath Charitable Trust and Ors. v. All India Council for Technical Education and Ors.; (2013) 3 SCC 385*** wherein Supreme had fixed a timeline to be followed by all the institutes.

9. It is argued that on a year to year basis, applications are filed for extension of the timeline as was prescribed by the Supreme Court and in the present case for the academic year 2025 – 26, on an application filed being M.A. No.711 of 2020 in Civil Appeal No.9048 of 2012, the Supreme Court had passed the following order:

“M.A. NO.711 OF 2025 IN C.A.NO.9048/2012 (44.10)

1. Perused the application filed by the applicant(s).

2. The application is allowed, in terms of prayer clause “a” which is extracted below:-

“(a) Grant extension of completion of approval process of the institutions up to August 31st 2025 and appeals/compliances process till September 30th 2025 to the Applicant Pharmacy Council of India for the academic year 2025-2026, and further extend the completion of counselling till October 30th 2025.”

10. In the light of the said, it is argued that once the timeline for grant of approval is extended up to 31.08.2025 and the process of decision of appeals/compliances is extended till 30.09.2025 and further extensions have been made for completion of counselling till 30.10.2025, the State is not justified in issuance of a schedule of counselling which is contrary to the dates as fixed by the Supreme Court for various compliances and extracted hereinabove.

11. It is, thus, argued that the petitioners institutes would be left out from the process of counselling and thus, the process of counselling is under challenge.

12. It is further argued by learned counsel for the petitioners that a similar controversy engaged the attention of this Court in Writ – C No.8389 of 2023 (HMS College of Pharmacy, Bulandsahar and Anr. v. State of U.P. & Ors.) decided on 27.09.2023, wherein also a similar

counselling which was issued by the respondent and was contrary to the extended timelines of the Supreme Court was under challenge and this Court had disposed off the writ petition and had directed that the timelines as fixed by the Supreme Court were to be adhered to. Relevant extracts of the said judgment are quoted as under:

“36. Although, it is reasonably well settled that once the counselling process starts, the judicial courts would be loath to interfere with the same, however, in the present case, the manner in which various institutions have been denied the benefit of affiliation by the State Government without any material whatsoever despite there being an approval in their favour in almost all the cases and the fact that the said institutions continued to impart education and were granted affiliation for the academic year 2022-23 after approval for the said session in respect of the some of the colleges. The non-following of the schedule set by the Supreme Court in its order dated 6.9.2023 and the haste shown by the Board in initiating the counselling process without even waiting for the expiry of the dates as fixed by the Supreme Court has clearly resulted an anomalous situation wherein several institutions, which may get an approval before the date fixed by the Supreme Court by the PCI would be deprived of participating in the counselling process. The net effect of the decision taken by the State Government for initiating the counselling process before the expiry of the date fixed by the Supreme Court is clearly arbitrary and also detrimental to the cause of promoting the education in Pharmacy, which has the effect of defeating the very purpose of the Act, forces this Court to intervene in the matter. Thus, finding the action of the State and the Board to be contrary to the decision of the Supreme Court in terms of the dates, the only recourse left is to quash the counselling process initiated vide decision dated 16.9.2023 w.e.f. 25.9.2023 with directions to the Board and State Government to comply the guidelines fixed by the Supreme Court vide order dated 6.9.2023 and to grant the affiliation to the institutions, which have fulfilled the criteria fixed by the PCI and have obtained approval unless State Government, on the basis of the cogent material, approaches before the Pharmacy Council of India for revoking the approval in terms of Section 13 of the PCI.”

13. The said judgment was challenged in appeal being Special Appeal No.504 of 2023 which is still pending.

14. It is argued that the said judgment was passed in respect of academic year 2022 – 23. In the subsequent year also i.e. for the academic year 2024 – 25, a similar stance was taken by the respondents in not following the extended timelines of the Supreme Court which resulted in filing of Writ – C No.9110 of 2024 (Ram

Newaj Singh College of Pharmacy Ayodhya and Ors. v. State of U.P. & Ors.) in which an interim order was passed on 22.10.2024 directing that the timelines fixed by the Supreme Court have to be followed and the counselling schedule was stayed till the timelines as extended by the Supreme Court was in existence. Relevant observations of the Court are as under:

“29. In this view of the matter, the Apex Court had fixed the timeline for holding counselling, after the cut-off dates for considering the applications for approval as well as for appeals/compliances is over. In this context, the schedule of counselling also violates the aforesaid observations.

30. In view of the aforesaid facts and circumstances, the counselling schedule as issued appears to be an arbitrary exercise and this Court prima facie finds that it is a fit case to interfere and since the timelines which have been accorded by the Apex Court are still to expire and it is not disputed that all the writ petitioners, their application are pending, hence, a case for interim relief is made out and accordingly this Court stays the operation of the counselling schedule which has been brought on record as Annexure No. 2.”

15. He argues that like every year, in the present year also, respondent no.3 has issued timelines which is at huge variance and rather in contradiction with the timelines as fixed by the Supreme Court in its order as extracted above and thus, deserves to be quashed.

16. Learned Standing Counsel, based upon instructions, states that the entire object of issuing the timelines for counselling is on account of the fact that for completion of the pharmacy course, number of classes to be attended are pre-fixed and generally students have to undergo approximately 181 classes before he can be awarded the diploma, and to adhere to the discipline and for quality purposes, steps have been taken for counselling in respect of the institutions in whose favour the approval has been granted by the PCI and the affiliation has also been granted by the Technical University. It is further argued that the said steps for counselling have also taken in view of the fact that in the State of Punjab, State of Gujarat and State of Himachal Pradesh, steps for initiation of counselling have already taken up and the State

is desirous that the brighter students may not migrate to other States and thus, steps have been for initiation of counselling.

17. It is further argued that in the counselling which has already been initiated, all the students have been given option of freeze/float and thus, the students who opt for the on-going counselling can migrate to the new colleges, which might get approval and affiliation, on the subsequent date fixed in the present schedule and thus, no loss could be occurred to the petitioners institutions.

18. In the light of the said, it is argued that the writ petitions deserve to be dismissed as no palpable harm is being caused.

19. Shri Ravi Singh, learned counsel appearing for Pharmacy Council of India, very fairly states that the institutions which have applied for grant of approval would be processed by the PCI with all expedition and a decision shall be taken with regard to grant of approval very soon.

20. Learned counsel appearing for respondent no.3 also states that before an approval is granted in favour of the institutions and the affiliation is also granted in their favour, they cannot participate in the counselling process which is fairly well settled.

21. Learned Standing Counsel also places on record that directions have been issued on 03.07.2025 holding that in deference to the extension of time as given by the Supreme Court, a special counselling has been scheduled for all the institutes who are granted approval by the PCI. The said counselling would be held for them from August, 2025

22. The said contention has been argued by the counsel for the petitioners to be bad in law as once the students opt for a college, the petitioners institutions would be at sufferance as they were not in a position to attract the best students for no fault of theirs.

23. Considering the submissions made at the Bar, the fact remains that the timelines that were fixed by the State for the counselling process would have to give way to the timelines as extended by the Supreme Court, extracted hereinabove.

24. Surprisingly, the State has not approached the Supreme Court for modification of the said directions in the light of the facts as were argued before this Court and have been recorded hereinabove.

25. This Court had considered similar arguments in the case of *HMS College of Pharmacy (supra)* and had repelled the submissions which are similar to the submissions made herein. The said submissions were also not accepted by this Court in its subsequent interim order dated 22.10.2024 and as referred hereinabove.

26. Following the judgment in the case of *HMS College of Pharmacy (supra)* and keeping in view the timeline as fixed by the Supreme Court in its order, it is observed that it is wholly inappropriate for the State to hold counselling even when the timeline as fixed by the Supreme Court is yet to come to an end.

27. In view thereof, the entire counselling process is quashed.

28. The reasons recorded in the case of *HMS College of Pharmacy (supra)* squarely apply to the present dispute also.

29. Respondent No.3, however, would be entitled to take steps for counselling after the timeline as fixed for grant of approval and grant of affiliation by the Supreme Court comes to an end.

30. The PCI is directed to pass orders on the pending applications for grant of approval within two weeks positively.

31. Considering the fact that the issues raised are a recurring one, the PCI is directed to consider taking a policy decision, whether the approval granted on year to year basis ensures best practices or whether the approval should be granted to the institutes which are eligible, for a longer term say for five years. The said decision would

ensure the continuity of education granted to the students desirous of obtaining Diploma in D.Pharm and they would not have to suffer the circumscription of the quantum of studies which they have to undergo in terms of the prescriptions, and the recurring litigation that ensues every academic year would also come to an end.

32. Present writ petitions stand ***allowed*** in above terms.

Order Date :- 9.7.2025
nishant

[Pankaj Bhatia, J.]