

Management of the Property of the State Council and the Maintenance and Audit of Its Accounts

RAJASTHAN

India

Management of the Property of the State Council and the Maintenance and Audit of Its Accounts

Rule

MANAGEMENT-OF-THE-PROPERTY-OF-THE-STATE-COUNCIL-AND-T of 1968

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Management of the Property of the State Council and the Maintenance and Audit of Its AccountsPublished vide Notification No. F.2(8)(1) MPH/59, dated 24-01-1968; Published in Rajasthan Gazette Part 4-C, Ordinary dated 28-03-1968 and as amended by S.O. 162, dated 13-07-1998; Published in Rajasthan Gazette Extra Part 4-C, dated 15-07-1998, p. 177).In exercise of the powers conferred by sub-section (1) and in particular by clauses (a), (c), (d), (e), (g), (i), (j) and (k) of sub-section (2) of section 46 of the Pharmacy Act, 1948 (Central Act VIII of 1948), the State Government hereby makes the following rules, namely:-

Part I – Management of the property of the State Council, and the Maintenance and Audit of its Accounts

1.

The registrar shall be in direct charge of the management of all properties of the State Council.

2.

(1)An account shall be opened in the State Bank of Bikaner & Jaipur, Jaipur in the name of Rajasthan Pharmacy Council, and all moneys received for and on behalf of the State Council, shall be deposited to the credit of this account.(2)All cheques on the Bank shall be signed by the Registrar and the President jointly.

3.

(1) A Cash Book and a Ledger with appropriate heads shall be maintained and all receipts and expenditure shall be entered therein. (2) The Registrar shall be allowed a permanent advance of Rs. 10/- as Imprest Cash for petty expenses, for which a separate book shall be maintained. (3) The expenditure incurred on account of such petty expenses shall be recouped from time to time by drawing from the Bank, and shall be entered in the Cash Book and the Ledger. Bills for such recoupment shall, when passed by the Registrar, require the counter-signature of the President.

4.

(1) No expenditure shall be incurred unless it has been provided for in the Budget approved by the State Council and unless the necessary funds are available. Emergent expenditure necessitated by circumstances not foreseen may be allowed by the President to be incurred in anticipation of the approval of the State Council, provided funds are available to meet the expenditure. (2) A bill for an amount not exceeding Rs. 20/- may be paid by the Registrar. A bill for an amount exceeding Rs. 20/- shall require approval of the President before payment.

5.

(1) In the month of September every year, the Registrar shall prepare a statement of receipts and expenditure during the first five months of the financial year and an estimate for the next 7 months, and also an estimate for the budget for the year commencing on and from the 1st April next. These shall be placed before the Executive Committee forthwith which shall decide what financial aid from the State Government. If any, should be asked for in order to enable it to carry on the functions of the State Council. (2) The Budget for the year commencing from the 1st April next shall after it has been accepted by the Executive Committee, be placed before the State Council at their meeting in January, for approval by the State Council either in its entirety or with such modification, as the Council may consider proper, provided that, if the Budget be contingent subvention from the State Government, it shall be submitted to the State Government for their approval with request for provision of funds for which the State Government grant would be necessary to comply with the Budget. (3) When the Budget for the ensuing year is presented to the State Council a statement of actuals of the current for the first 9 months together with estimate of probable expenditure for the remaining 3 months shall also be presented and the original Budget for the current year may be revised by the State Council accordingly or as the State Council consider proper.

6.

The State Council may at any time during the year for which any estimate has been sanctioned, cause a supplement to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the State Council, in the same manner, as if it were an original annual estimate.

7.

The accounts of the State Council shall be audited once in every year by auditors appointed by the State Council, and the Audit Report shall be considered by the State Council, as its meeting following the submission of the Report.

Part II – Meeting of the State Council

8. Ordinary meetings.

(1)The ordinary meetings of the State Council shall be held twice in a calendar year, preferably in January and August on such date and at such place as may be fixed by the President for the purpose. At least 30 days notice of the date shall be given to every member of the State Council.(2)Special meetings. - The President may, if he thinks necessary, call a special meeting of the State Council for dealing with any emergent matter. In such case, the period of notice may be shorter, but not less than 5 days(3)Requisition meeting. - The President shall call a requisition meeting of the State Council when there is a requisition made to him in writing and signed by at least 10 members for the consideration of any particular matter. Every such requisition shall state specifically in the form of a resolution, their proposal, and the matter shall be such as is within the function of the State Council under the Pharmacy Act, 1948. The President may refuse to call a requisition meeting, in his opinion these requirements are not fulfilled, or if he considers that the matter might wait till the next ordinary meeting of the Council. When a requisition meeting is called, a notice with at least 15 days time shall be given to every member, with copy of the requisition received.

9. Agenda of ordinary meetings.

- A preliminary agenda, so far as possible, shall be annexed with the notice referred to in rule 8(1). Any member desiring to move any matter, may send the Registrar in writing his proposal which shall be in the form of a motion for p. resolution. Such intimation shall reach the Registrar at least 15 days before the meeting. Notices of the items added thus or otherwise to the preliminary agenda, shall be sent to the members as early before the meeting as possible.

10. Who is to preside at a meeting.

(1)Every meeting of the State Council shall be presided over by the President or if he is absent, by the Vice-President, or, if both the President and the Vice-President are absent, by a Chairman to be elected by members present from among themselves.(2)All references in this part of the President shall be read as referring to the person for the time being presiding a meeting.

11. Quorum.

(1)Eight members of the State Council, of whom President may be one, present in person, shall form a quorum, provided that in the case of a meeting adjourned for want of quorum, no quorum shall be

required.(2)If, at the time appointed for a meeting, a quorum is not present, meeting shall not commence until a quorum is present and if a quorum is not present on the expiration of 20 minutes, t he time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future time and date, as the President may appoint.

12. Motion required for determining any matter.

(1)Even matter to be determined by the State Council shall be determined on a motion moved by a member and put to a State Council by the President.(2)A motion shall not be admissible-(a)If the matter to which it relates is not within the scope of the functions of the State Council:(b)If it raises substantially the same question, as a motion or amendment which has been moved or withdrawn with the leave of the State Council within one year, the date of the meeting at which it is intended to be moved; Provided that such a motion may be admitted at a special meeting of the State Council convened for purpose on the requisition of not less than two third of the members of the State Council:Provided further that nothing in these rules shall operate to prohibit the further discussion of any matter referred to the State Council by the State Government in exercise of any of its functions under the Pharmacy Act, 1948:(c)unless it is clearly and precisely expressed and raises substantially one definite issue:(d)if it contains inferences, ironical expressions or defamatory statements.(3)The President shall disallow any motion which in his opinion is inadmissible under sub-rule (2):Provided that if a motion can be rendered admissible by amendment, the President may, in lieu of disallowing the motion, admit it in amended form.(4)When the President disallows or amends a motion, the Registrar shall inform the member who gave notice of the motion, the order of disallowance or, as the case may be, of the form in which the motion has been admitted after amendment.

13. Decision.

(1)Decision on a motion when the members are divided shall be taken by show of hands or by division or by ballot, as the President may direct:Provided that votes shall be taken by ballot, if three members so desire and ask for it:Provided further that if voting has been by show of hands, a division shall be taken, if a member asks for it.(2)The President shall determine the methods of taking votes by division:(3)The result of the vote shall be announced by the President and shall not be challenged.(4)In the event of an equality of votes, the President shall have a second or a casting vote.

14. Motion or amendment to be seconded.

(1)Every motion or amendment shall be seconded and if not seconded, shall be deemed to have been withdrawn.(2)When a motion has been so seconded and not withdrawn, it shall be stated from the chair and any member may move an amendment which shall be relevant to and within the scope of the motion.(3)An amendment may not be moved which has merely the effect of a negative vote.(4)A motion may be amended by-(a)the omission, insertion or addition of words; or(b)the substitution of words for any of the original words.(5)The President may refuse to put an amendment which is in his opinion frivolous.

15. Further about motions and amendments.

(1)When a motion or amendment is under debate, no proposal with reference thereto shall be made other than-(a)amendment of the motion, as the case may be, as proposed under rule 14;(b)a motion for the adjournment of the debate on the motion or amendment either to a specified date and/or sine die;(c)a motion for the closure, namely, a motion that the question now be put;(d)a motion that the State Council instead of proceeding, deal with the motion to pass to the next item on the programme of business:Provided that no such motion or amendment shall be moved so as to interrupt a speech:Provided also that no motion of the nature referred to in clause (b) (c) and (d) shall be moved or seconded by a member who has already spoken to the question then before the meeting:Provided further that a motion referred to in clauses (c) and (d) shall be moved without speech.(2)It shall be in the discretion of the President to pass or refuse to put to the State Council, a proposal of the nature referred to in clause (b) of sub-rule (i).(3)Unless the President is of opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if the motion carried, the substantive motion or amendment under, debate shall be put forthwith:Provided that the President may allow the mover of substantive motion to exercise his right of reply before the substantive motion under debate is put.

16. Procedure of debate.

(1)A motion or an amendment which has been moved and seconded, shall not be withdrawn save with the leave of the State Council which shall not be deemed to be granted, if any member dissents from the granting of leave.(2)When a motion has been moved and seconded, members other than the mover and the seconder, may speak on the motion in such order as the President may direct:Provided that the seconder of a motion or an amendment may with the permission of the President confine himself to according the motion or amendment, as the case may be, and speak there at any subsequent stage of the debate.(3)During the meeting, the President may, at any time, make any objection or suggestion, or give information to elucidate any point, or help the members in the discussion.(4)The mover of an original motion, if permitted by the President, Treasury Office remover of any amendment, shall be entitled to a right of final reply: no other member shall speak more than once to any debate except, with the permission of the President for the purposes of making a personal explanation or of putting question to the member than addressing the State Council:Provided that any member at any stage of the debate may rise to a point of order, but no speech shall be allowed on that point:Provided also that a member who has spoken on a motion, may speak again on an amendment subsequently moved to the motion.(5)No member shall, save with the permission of the President Speak for more than five minutes:Provided that the mover of the motion when moving the same may speak for ten minutes.(6)A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made.(7)Any motion or amendment, standing in the name of a member who is absent from the meeting or unwilling to move it, may be brought forward by another member with the permission of the President.(8)A member desiring to make any observations on the matter before the State Council shall speak from his place, shall rise when he speaks, and shall address the President.(9)If at any time the President rises, any member speaking shall immediately resume his seat.(10)No member shall be heard except

upon the business before the State Council.

17.

(1)When an amendment to any motion is moved and seconded (or when two or more amendments are moved and seconded) the President shall, before taking the sense of the State Council thereon, state or read to the State Council, the terms of the original motion and of the amendment or amendments proposed.(2)An amendment to a motion shall be put to the vote first.(3)If there be more than one amendment to a motion, the President shall decide in what order they shall be taken.(4)When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion, and put each or any point separately to the vote, as he may think fit.

18. Adjournments of meeting.

(1)The President, after stating reasons, may, at any time, adjourn any meeting to any future day or to any hour of the same day.(2)Whenever a meeting is adjourned to a future day, the Registrar shall, if possible, send notice of the adjournment to every member who was not present at the meeting.(3)When a meeting has been adjourned to a future day, the President may change such day to any other day and the Registrar shall send written notice of the change to each member.(4)At a meeting adjourned to a future day, any motion standing over from the previous day, shall unless the President otherwise directs, take precedence of other matter of the agenda.(5)Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting, the President or a member may suggest a change in the order of business on the agenda: if the State Council agree such a change shall take place.(6)No matter which had not been on the agenda of the original meeting, shall be discussed in an adjourned meeting.(7)The same quorum shall be necessary for adjourned meeting as for an ordinary meeting, except in cases provided for in rule 11(1).

19.

(1)The President shall decide all points of order which may arise and his decision shall be final.(2)If any question arises with reference to procedure in respect of a matter for which these rules make no provision, the President shall decide the same and his decision shall be final.

20.

The proceedings of the meetings of the State Council shall be preserved in the form of printed minutes which shall be authenticated, after confirmation, by the signature of the President.

21.

A copy of the minutes of each meeting shall be submitted to the President within 15 days of the meeting and attested by him and they shall then be sent to each member within 30 days of the meeting.

22.

(1) If any objection regarding the correctness of the minutes is received within 30 days of the despatch of the minutes by the Registrar such objection together with the minutes, as recorded and attested, shall be put before the next meeting of the State Council for confirmation. At this meeting no question shall be raised except as to the correctness of the records of the last meeting. (2) If no objection regarding a decision taken by the State Council at a meeting is received within 30 days of the despatch by the Registrar of the minutes of that particular meeting, such decision may, if expedient, be put into effect before the confirmation of the minutes at the next meeting: Provided that the President may direct that action be taken on a decision the State Council before the expiry of the period of 30 days mentioned above.

Part III – Powers and duties of the President and Vice-President

23.

The President shall exercise such powers and perform such duties as are laid down in the provisions of the Pharmacy Act, 1948, the rules and standing orders of the State Council. He shall do such acts, as he considers necessary in the furtherance of the objects for which the State Council is established.

24.

If the Office of the President is vacant or if the President for any reason is unable to exercise the powers to perform the duties of his office, the Vice-President shall act in his place and shall exercise the powers and perform the duties of the President.

Part IV – Executive Committee

25.

The Executive Committee shall consist of the President and the Vice-President ex-officio and three other members elect by ballot at the first meeting of the State Council. Of the three members so elected, there shall be at least two registered pharmacists. The Executive Committee so elected, shall had office till the election of the new Executive Committee.

26.

The Executive Committee shall meet on such date, as may be fixed by the President.

27.

For a meeting of the Executive Committee, three members shall be necessary to constitute a quorum.

28.

Should there occur during the recess, any vacancy in the Executive Committee, the Committee may fill up such vacancy except in cases where a summons has been issued for a meeting of the State Council when the Council itself shall elect.

29.

In the case of the death of the Registrar or of his incapacity from illness or if he is on leave, when the State Council is not in session, the Executive Committee shall appoint a person to perform temporarily the duties of the Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the principles laid down in the Rajasthan Service Rules.

30.

The functions of the Executive Committee shall, beside any particular matter that may be referred to it by the State Council or by the President, shall be as follows-(i)general superintendence of the office of the State Council, and in particular, making recommendations to the Council regarding the staff (section 26 of the Act) and the preparation of the annual budget:(ii)complying with the requisitions that may be made by the State Government under the Act;(iii)making necessary enquiries and reporting to the State Council in cases of appeal under sub-section (3) of section 33 of the Act:(iv)dealing with cases of complaint or information requiring consideration whether the name of a registered pharmacist should be removed from the register or other disciplinary action taken (Section 36 of the Act):(v)examining applications for restoration of name to register (section 37 of the Act) and report to the State Council;(vi)considering cases requiring prosecution and taking action for lodging complaint when necessary (sections 41 and 44 of the Act); and(vii)bringing to the notice of the State Government cases that may require prosecution under sub-section (3) of section 42 of the Act.Explanation. - In this rule, the expression "the Act" mean Pharmacy Act, 1948.

31.

All proceedings of the Executive Committee shall be submitted, to the State Council for approval, confirmation, or recording other orders, as the nature of the case may need. For this purpose, the proceedings shall state briefly the reasons and the circumstances for which the Committee make

their recommendation or take a particular view; and copies of the proceedings shall be circulated to the members of the State Council alongwith the agenda of the meeting of the State Council.

32.

The Executive Committee shall have general powers of superintendence and direction in matter relating to the office of the State Council and its working, including the preparation and maintenance of the register of pharmacists and distributing by sale or otherwise of printed copies of the same.

33.

(1)The Executive Committee may constitute Sub-Committees and may appoint to such Sub-Committees, persons who are not members of the State Council, to report upon any matters, which it may deem necessary to refer to them.(2)The members of a Sub-Committee appointed under sub-rule (1), shall not be entitled to any fee for attending a meeting of the Sub-Committee. They shall be entitled to travelling expenses only.

Part V – Registration

34.

The register of pharmacists to be maintained shall as in Form A appended to these rules.

35.

The names shall be entered in the register in the form in which the applications for registration are admitted and sufficient space shall be left for further additions and alterations in the qualifications and address of each entry.

36.

Each page of the register shall be verified under the Registrar's signature, and each entry of remark shall be attested by his initials.

37.

(i)On the registration of every pharmacist, the Registrar shall grant such pharmacist a certificate in form appended to these rules.(ii)In the event of a certificate issued under sub-rule (1), being lost or destroyed, the holder may, at any time during which such certificate is in force, apply to the Registrar for a duplicate certificate and the Registrar may, if he thinks fit, on satisfactory proof, as to the identity of the applicant issue such certificate on payment of a prescribed fee in rule 4.6. Certificate issued under this sub-rule, shall be marked "Duplicate".

38.

Every person entitled to be registered and desiring to have himself registered, shall apply to the Registrar in Form 'C' appended to these rules duly filled and signed. Every such application shall be accompanied by the fee prescribed, therefor, in rule 46.

39.

(1)The registration of every person registered, shall hold good till the 31st December of the year following the year in which registration or renewal thereof is made.(2)A person desiring to continue his registration after the date mentioned in Sub-rule (1), shall submit to the Registrar an application for renewal together with the fee prescribed in that behalf in rule 46. Such applications should preferably be made previous to the above-mentioned date, but may be made so as to reach the Registrar not later than 31st March, following.(3)When the requirements of sub-rule (2) have been complied with and the renewal entered in the register, the Registrar shall issue to the applicant, a renewal slip in Form D (1) appended to these rules, signed by the Registrar with the seal of the State Council, with direction to the applicant to affix it on the original registration certificate. Every such renewal shall be entered in the register and attested by the Registrar with his signature.

40.

(1)An application for restoration of name under the proviso to sub-section (2) of section 34 of the Pharmacy Act, 1948 shall be accompanied by the original registration certificate and the fee prescribed therefor in rule 46.(ii)On fulfillment of the above requirement, the Registrar shall restore the name in the register and give the application a certificate in Form D (2) appended to these rules.(iii)A statement of the name of the persons so restored, the register during a month shall be submitted by the Registrar to the Executive Committee at its next meeting for confirmation.

41.

An application for entry of an additional degree or diploma in Pharmacy or pharmaceutical chemistry shall be in Form E(1) appended to these rules and shall be accompanied by the prescribed in this behalf in rule 46 and documents of the degree or diplomas sought to be entered.(ii)On entry of additional qualifications in the register under sub-rule (1), the Registrar shall grant such pharmacist, a certificate in Form E (2) appended to these rules.

42.

(1)Certified copies of entries in the register may be issued to any one on payment of a fee as per rule 46.(2)Every application for change of name or surname shall be made to the Registrar by the registered pharmacist himself and shall be accompanied by the fee prescribed for such application in rule 46, and also by an affidavit sworn by the registered pharmacist before a Magistrate stating that the applicant is the same person whose name is registered with the particular number, and the

circumstances for which change is sought.(3)The Registrar shall, upon compliance with the provisions of sub-rule (2), make the change in the name or surname.

43.

The Registrar shall, as soon as may be, after the 1st day of April each year, cause to be printed copies of the register, as it stood on the said date and such copies shall be made available to persons applying therefore on payment of the prescribed charge. The Registrar shall keep an interleaved copy of such printed list, wherein he shall make during the year any entry, alteration or erasure that may be necessary.

44.

It shall be the duty of every registered person who changes his address to intimate the fact to the Registrar within one month after such change.

45.

There shall be made every year and entered in the printed Pharmacy Register an enumeration of-(1)the total number of persons in the published Register,(2)the number of persons added by registration during the year,(3)the number of names restored to the Registrar,(4)the number of names removed from the Register stating the section of the Pharmacy Act, 1948 under which the name has been removed, and(5)the number of names removed by death.[46. The following fees are prescribed:-

	Rs.
(a) For the first registration in the Register	500.00
(b) For every qualification or status subsequently registered	50.00
(c) For restoration to the register after removal for nonpayment of annual retention fee in addition to retention fee for the year or years during which the name remained removed	50.00
(d) For annual retention	100.00
(e) For restoration to the Register under section 37 of the Pharmacy Act, 1948	500.00
(f) For registration of a change of name or surname	50.00
(g) For every certified copy of an entry to Register	500.00
(h) For a "duplicate" certificate under rule 37(2)	100.00]

[Substituted by Notification dated 13-07-1998.]The fees prescribed under this rule, shall be in addition to any fees that may be payable under the Indian Stamp Act, 1899, or any other law for the time being in force relating to the levy of stamp duty.

47.

All the words and expressions used in these rules and not defined shall have the meanings respectively assigned to them in the Pharmacy Act, 1948 (Central Act VIII of 1948).AppendixForm 'A'[Vide rule 34]Form of Register of Pharmacist

- 1. Serial Number.....**
- 2. Name in full.....**
- 3. Father's Name.....**
- 4. Date of Birth.....**
- 5. Nationality.....**
- 6. Residential address.....**
- 7. Date of first admission to the Register,.....**
- 8. Qualifications for registration.....**
- 9. Professional address.....**
- 10. Employment, if any, and name of the Employer.....**
- 11. Date of renewal of registration.....**
- 12. Remarks (renewal, removal or restoration of names with dates.....)**

Form 'B'[Vide Rule 37(1)]Pharmacy Council of The State of Rajasthan(Seal)Certificate of RegistrationThis is to certify that the person named below has been registered as a pharmacist under section 33 of the Pharmacy Act, 1948 (VIII of 1948).Name.....Qualification.....Registered Number.....This certificate shall remain in force till.....Date.....RegistrarForm 'C'[Vide rule 38]Application for registration under section 33 of the Pharmacy Act, 1948(VIII of 1948)ToThe Registrar,Pharmacy Council of the State of Rajasthan,Sir,I request that may name be entered in the Register of Pharmacists maintained by the Pharmacy Council of the State of Rajasthan, under section 33 of the Pharmacy Act, 1948 (VIII of 1948), and that on such entry I may be furnished with a certificate of registration.I have given the particulars required on the reverse, and I declare that these are correct, and that I reside/carry on

the business or profession of pharmacy in the State of Rajasthan, my address being. The prescribed fee of Rs.....is paid herewith. The undermentioned diplomas/certificates/documents are enclosed in original, and it is requested that they be returned to me on the disposal of the case. Yours faithfully,.....(Signature in full) Dated at.....the.....Reverse Particulars to be furnished by the applicant Name (in block letters).....Year of passing the matriculation examination or its recognised equivalent, with the name of the University or other Examining Body form which passed.....Father's Name.....Date of Birth.....Nationality.....Residential address.....Qualifications for registration.....Professional address.....Employment, if my, and name of the Employer.....Form 'D'(1)[Vide rule 39(3)]Renewal of registration under section 34 of the Pharmacy Act, 1948 Name of the pharmacist.....Registration.....This is to certify that the above-named pharmacist having complied with the requirements of section 34 of the Pharmacy Act, 1948, his registration has been renewed for the period up to (Seal).....Registrar Dated.....Form 'D' (2)[Vide rule 40(2)]Form of certificate on restoration of name under the proviso to section 34(2) of the Pharmacy Act, 1948 (VIII of 1948) This is to certify that.....who was registered under the Pharmacy Act, 1948. Under No.....but whose name was removed under sub-section (2) of section 34 of the said Act, has fulfilled the conditions referred to in the proviso to that sub-section, and that his name has accordingly been restored in the register under the same number. Date. Registrar Form 'E'(1)[Vide rule 41(1)]Application for entry of additional qualifications To The Registrar, Pharmacy Council of the State of Rajasthan, Sir, I beg to apply for registration of the additional qualifications of.....which I have obtained from.....in..... The Diploma or Certificates of the qualifications are enclosed herewith. These may be returned, as soon as done with. I am already registered under the Pharmacy Act, 1948 and my Registration number is.....The prescribed fee of Rs.....is sent herewith. Yours faithfully, (Signature of applicant) Dated the.....Form 'E'(2)[Vide rule 41(2)]Entry of additional qualifications in the Register under section 35 of the Pharmacy Act, 1948 This is to certify that the Additional Degree/Diploma/Certificate appearing below, has been entered in the Register of Pharmacist maintained by the Pharmacy Council of the State of Rajasthan, against the name of Shri.....Registration.....No.....

Degree/Diploma or Certificates already entered.	Degree/Diploma or Certificates now entered
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Date.....Registrar Pharmacy Council of the State of Rajasthan