

# Shaheed Teg Bahadur College Of Pharmacy vs Pharmacy Council Of India on 8 January, 2021

**Author: Prateek Jalan**

**Bench: Prateek Jalan**

\$~16 to 42, 45 to 47, 49 to 60, 62 to 67, 69 to 81, 83 to 86, 88 to 92, 94

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+	W.P.(C) 175/2021 SHAHEED TEG BAHADUR COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 176/2021 BAGNAN COLLEGE OF PHARMACEUTICAL SCIENCE AND RESEARCH CENTRE BIHAR	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 177/2021 KRN COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 178/2021 HARYANA COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 179/2021 KULDEEP RAI PHARMACY COLLEGE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 180/2021 RAMJI SINGH MEMORIAL COLLEGE OF PROFESSIONAL STUDIES	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 182/2021 R C COLLEGE OF PHARMACY & ANR.	..... Petitioners
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent

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+	W.P.(C) 184/2021 A.R. COLLEGE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 185/2021 DOLPHIN COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA & ANR.	..... Respondents
+	W.P.(C) 188/2021 CH PREM SINGH PREMVATI PHARMACY COLLEGE & ANR.	..... Petitioners
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 189/2021 DR. C.P. TIWARI SMIRITI COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 190/2021 SAHARANPUR INSTITUTE OF ADVANCED STUDIES	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 191/2021 DAYAL BAGH PHARMACY COLLEGE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent

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BARASAT COLLEGE OF PHARMACEUTICAL SCIENCE AND RESEARCH CENTRE BIHAR	..... Petitioner
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+ W.P.(C) 194/2021	
G.S.M COLLEGE OF PHARMACY	..... Petitioner
versus	
PHARMACY COUNCIL OF INDIA	..... Respondent
+ W.P.(C) 195/2021	

	SOCIETY OF ADVANCED STUDIES PHARMACY COLLEGE	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 196/2021 PRACHI COLLEGE OF PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 197/2021 JSM COLLEGE OF PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 198/2021 M S B COLLEGE F PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 199/2021 SAKSHI COLLEGE OF PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 200/2021 G S M COLLEGE OF PHARMACY	..... Petitioner
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+	W.P.(C) 202/2021 MAA SHIV KUMARI SINGH COLLEGE OF PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 203/2021 G.S.M COLLEGE OF PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 204/2021 J S M COLLEGE OF PHARMACY	..... Petitioner
	versus PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 206/2021 RADHE KRISHAN COLLEGE OF PHARMACY	..... Petitioner

	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 212/2021 ROTARY INSTITUTE OF MANAGEMENT AND TECHNOLOGY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 213/2021 MINERVA COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
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	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 217/2021 SHRI BALDEO COLLEGE OF NURSING AND MEDICAL RESEARCH CENTRE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 218/2021 J D COLLEGE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 219/2021 SHRI RAMPAL SINGH MEMORIAL COLLEGE OF PHARMACY	..... Petitioner
	versus	
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+	W.P.(C) 229/2021 G.S.M COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 230/2021 G.S.M COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 231/2021 L.M.S COLLEGE OF PHARMACY	..... Petitioner
	versus	

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+	W.P.(C) 265/2021 MURSHIDABAD PHARMACEUTICAL INSTITUTE	..... Petitioner
	versus	
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+	W.P.(C) 269/2021 VARMA FOUNDATION EDUCATIONAL AND WELFARE TRUST	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 270/2021 INSTITUTE OF PHARMACEUTICAL SCIENCE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 271/2021 SHRI SIDDHI VINAYAK COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondent
+	W.P.(C) 274/2021 HAJRAT NIZAMUDDIN MINORITY EDUCATIONAL TRUST	..... Petitioner

	versus	
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+	W.P.(C) 279/2021	
	SHASHI INSTITUTE OF PHARMACEUTICAL SCIENCE AND RESEARCH	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondents
+	W.P.(C) 280/2021	
	MAHADEV INSTITUTE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondents
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	SUNDAR LAL PARWATI MAHAVIDYALAYA	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondents
+	W.P.(C) 283/2021	
	RASHBEHARI PHARMACEUTICAL INSTITUTE	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondents
+	W.P.(C) 284/2021	
	PARAMOUNT COLLEGE OF PHARMACY	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondents
+	W.P.(C) 288/2021	
	RAM KRISHNA EDUCATIONAL TRUST FOR YOUTH	..... Petitioner
	versus	
	PHARMACY COUNCIL OF INDIA	..... Respondents

Present:- Mr. Sanjay Sharawat, Advocate for Petitioner in Item nos. 16 to 21, 23, 24, 27 to 42, 45 to 47, 49 to 59, 69, 78, 80, 84, 85, 92.  
Mr. Mayank Manish and Mr. Ravi Kant, Advocates for  
Petitioner in Item nos. 60, 62 to 67, 77 & 90.  
Mr. Chandra Shekhar Singh, Advocate for Petitioner in Item  
nos. 70,73,74,75,76,79,81,88,89 & 91.  
Mr. Shivam Singh, Mr. Sahil Raveen, Mr. Jaideep Khanna,  
Advocates for Petitioner in Item nos. 71, 72, 83, 86 & 94.  
Mr. Zoheb Hossain, Advocate for Pharmacy Council of India.

CORAM:  
HON'BLE MR. JUSTICE PRATEEK JALAN  
ORDER

% 08.01.2021 The proceedings in the matter have been conducted through video conferencing.



CM APPLs. 529/2021 & 531/2021 (exemption) in W.P.(C) 182/2021 CM APPLs. 537/2021 & 539/2021 (exemption) in W.P.(C) 188/2021 Exemption allowed, subject to all just exceptions. The applications stand disposed of.

W.P.(C) 175/2021, W.P.(C) 176/2021, W.P.(C) 177/2021, W.P.(C) 178/2021, W.P.(C) 179/2021 & CM APPL. 525/2021, W.P.(C) 180/2021 & CM APPL. 526/2021, W.P.(C) 182/2021 & CM APPL. 530/2021, W.P.(C) 183/2021 & CM APPL. 532/2021, W.P.(C) 184/2021 & CM APPL. 533/2021, W.P.(C) 185/2021 & CM APPL. 534/2021, W.P.(C) 188/2021 & CM APPL. 538/2021, W.P.(C) 189/2021 & CM APPL. 540/2021, W.P.(C) 190/2021 & CM APPL. 541/2021, W.P.(C) 191/2021 & CM APPL. 542/2021, W.P.(C) 193/2021, W.P.(C) 194/2021 & CM APPL. 545/2021, W.P.(C) 195/2021 & CM APPL. 546/2021, W.P.(C) 196/2021 & CM APPL. 547/2021, W.P.(C) 197/2021 & CM APPL. 548/2021, W.P.(C) 198/2021 & CM APPL. 549/2021, W.P.(C) 199/2021 & CM APPL. 550/2021, W.P.(C) 200/2021 & CM APPL. 551/2021 W.P.(C) 201/2021 & CM APPL. 552/2021 W.P.(C) 202/2021 & CM APPL. 553/2021 W.P.(C) 203/2021 & CM APPL. 554/2021 W.P.(C) 204/2021 & CM APPL. 555/2021 W.P.(C) 206/2021 & CM APPL. 559/2021 W.P.(C) 212/2021 & CM APPL. 568/2021 W.P.(C) 213/2021 & CM APPL. 569/2021 W.P.(C) 215/2021 & CM APPL. 572/2021 W.P.(C) 217/2021 & CM APPL. 574/2021 W.P.(C) 218/2021 & CM APPL. 576/2021 W.P.(C) 219/2021 & CM APPL. 579/2021 W.P.(C) 229/2021 & CM APPL. 610/2021 W.P.(C) 230/2021 & CM APPL. 620/2021 W.P.(C) 231/2021 & CM APPL. 621/2021 W.P.(C) 232/2021 & CM APPL. 622/2021 W.P.(C) 233/2021 & CM APPL. 623/2021 W.P.(C) 234/2021 & CM APPL. 625/2021 W.P.(C) 235/2021 & CM APPL. 627/2021 W.P.(C) 236/2021 & CM APPL. 629/2021 W.P.(C) 237/2021, W.P.(C) 239/2021, W.P.(C) 240/2021, W.P.(C) 241/2021, W.P.(C) 242/2021, W.P.(C) 244/2021, W.P.(C) 245/2021, W.P.(C) 250/2021 & CM APPL. 645/2021 W.P.(C) 251/2021, W.P.(C) 252/2021, W.P.(C) 253/2021, W.P.(C) 254/2021, W.P.(C) 255/2021, W.P.(C) 256/2021, W.P.(C) 257/2021, W.P.(C) 259/2021, W.P.(C) 260/2021 & CM APPL. 649/2021, W.P.(C) 262/2021, W.P.(C) 264/2021 & CM APPL. 651/2021 W.P.(C) 265/2021, W.P.(C) 269/2021, W.P.(C) 270/2021 & CM APPL. 667/2021, W.P.(C) 271/2021 & CM APPL. 674/2021, W.P.(C) 274/2021, W.P.(C) 279/2021, W.P.(C) 280/2021, W.P.(C) 282/2021, W.P.(C) 283/2021, W.P.(C) 284/2021 & CM APPL. 724/2021, W.P.(C) 288/2021

1. Issue notice. Mr. Zoheb Hossain, learned counsel, accepts notice on behalf of the respondent/Pharmacy Council of India.
2. The challenge in these petitions is to the directions of the respondent dated 17.07.2019 and 09.09.2019, by which a moratorium has been placed on recognition of new pharmacy colleges for a period of five years commencing from the academic year 2020-21.
3. Learned counsel for the petitioners submit that several petitions are already pending in this Court raising the same issue. W.P.(C) 12348/2019 was designated as the lead petition and pleadings are complete in the said petition.
4. Although interim orders were apparently passed in some of the petitions, interim relief was not granted in several petitions filed later. The petitioners in the latter batch of cases approached the Division Bench in Letters Patent Appeals (LPA 317/2020 & connected matters) against the refusal of

interim relief. The appeals have been decided by the Division Bench by a judgment dated 22.12.2020. Although the orders declining interim relief have been upheld, the Division Bench has observed as follows:-

"19. We find merit in the aforesaid contention and while dismissing these appeals, request the Single Judge to, on application being filed by the appellants / writ petitioners, endeavour to prepone the hearing to the month of January, 2021 itself and to dispose of the writ petitions either well before the last date for applying for admission of students for the academic session 2021-22 or to appropriately mould the interim relief, to enable the appellants / writ petitioners to, if succeeding in the writ petitions, apply for admitting and admit students for the academic session 2021-22."

5. Keeping in mind the aforesaid observations of the Division Bench, the present writ petitions are fixed for hearing on 18.01.2021 at 2:15pm.

6. Mr. Sanjay Sharawat submits that applications have been made before the Division Bench for modification of the judgment dated 22.12.2020 and those applications are likely to be listed next week. The above direction is therefore subject to any orders that the Division Bench may pass.

7. As far as this batch of matters is concerned, Mr. Hossain will file a counter affidavit in W.P.(C) 175/2021, which will be treated as a common counter affidavit in all these petitions. Copies of the counter affidavit filed in W.P.(C) 175/2021 will be served on all the counsels appearing for the petitioners in this batch of matters. The counter affidavit may be filed by 12.01.2021. Rejoinder thereto, if any, be filed by 15.01.2021.

8. As the issues involved in these writ petitions are principally legal issues, learned counsel for the petitioners will coordinate to file common short written submissions by 14.01.2021. Mr. Hossain will also file short written submissions by the same date. Learned counsels will also file copies of any statutes, regulations or judgments upon which they seek to rely alongwith their written submissions. The written submissions will be filed in W.P.(C) 175/2021.

9. List on 18.01.2021 at 2:15pm.

PRATEEK JALAN, J JANUARY 8, 2021/„pv/hkaur