

Moyna Pharmaceutical Institute vs Pharmacy Council Of India on 21 March, 2023

Author: Purushaindra Kumar Kaurav

Bench: Purushaindra Kumar Kaurav

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2385/2023

MOYNA PHARMACEUTICAL INSTITUTE

Through: Mr.Chandrashekar Singh, Advocate

versus

PHARMACY COUNCIL OF INDIA

..... Respondent

Through: Mr.Mobashshir Sarwar, SC with
Dr.Swaroop George, Mr.Akshat Gupta and
Mr.Tanmay Cheema, Advocates.

+ W.P.(C) 2413/2023

OMKARNATH INSTITUTE OF PHARMACEUTICAL
TECHNOLOGY AND MEDICAL SCIENCE

Through: Mr.Chandrashekar Singh, Advocate

versus

PHARMACY COUNCIL OF INDIA

..... Respondent

Through: Mr.Mobashshir Sarwar, SC with
Dr.Swaroop George, Mr.Akshat Gupta and
Mr.Tanmay Cheema, Advocates.

+ W.P.(C) 2426/2023

DEROZIO PHARMA INSTITUTE

Through: Mr.Chandrashekar Singh, Advocate

versus

PHARMACY COUNCIL OF INDIA

..... Respondent

Through: Mr.Mobashshir Sarwar, SC with
Dr.Swaroop George, Mr.Akshat Gupta and
Mr.Tanmay Cheema, Advocates.

+ W.P.(C) 3529/2023

SVM COLLEGE OF PHARMACY & ORS.

Signature Not Verified
Signed By:PRATIMA
Signing Date:23.03.2023

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Through:
versus

PHARMACY COUNCIL OF INDIA

..... Respon

Through: Mr.Mobashshir Sarwar, SC with
Dr.Swaroop George, Mr.Akshat Gupta and
Mr.Tanmay Cheema, Advocates.

+

W.P.(C) 3563/2023

MAHARANA PRATAP COLLEGE OF PHARMACY & ORS.

..... Petitioners

Through:

versus

PHARMACY COUNCIL OF INDIA

..... Respon

Through: Mr.Mobashshir Sarwar, SC with
Dr.Swaroop George, Mr.Akshat Gupta and
Mr.Tanmay Cheema, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV
ORDER

% 21.03.2023

1. The petitioners have approached this court, seeking directions against the respondent-PCI to provide link to the petitioner-institutions to enable them to submit their online Standard Inspection Format (SIF), seeking extension of approval for the Academic Session 2023-2024 in respect of the already approved courses.

2. It is seen that W.P.(C)2385/2023 was taken up for hearing on 24.02.2023 and this court observed as under:-

"1. Learned counsel appearing on behalf Pharmacy Council of India, on advance instructions, states that on account of some technical reasons various institutions were facing difficulty to upload the application; therefore, the concerned portal will remain open even after 27.02.2023 also.

2. He, therefore, states that the petitioners and other similarly situated institutions can apply once the technical defects in the concerned portal are rectified. He states that sufficient time would be given to institutions to apply.

3. Statement made by Mr. Aniket Mukherjee, learned counsel for the respondent is taken on record.

4. List on 21.03.2023."

3. Today, when the matters are called out for hearing, learned counsel appearing on behalf of the petitioners, placed on record a copy of the order dated 16.03.2023 passed by the respondent-PCI, extending approval for the Academic Session 2023-2024 to the existing courses for approved institutions.

4. Order dated 16.03.2023, passed by PCI, reads as under:-

"PHARMACY COUNCIL OF INDIA (Constituted under the Pharmacy Act, 1948)
E-MAIL: registrar@pci.nic.in NBCC Centre, 3d Floor, WEBSITE :www.pci.nic.in Plot
No.2, Community Centre Telephone : 011-61299901 Maa Anandamai Marg
011-61299902 Okhla Phase I 011-61299903 NEW DELHI-110 020 Ref.
No.14-56/2022-PCI (Approval Process 2023-2024 a.s.)18889-94 16 MAR 2023 All
Pharmacy Institutions -

a) approved u/s 12 of the Pharmacy Act.

b) conduct of course.

Sub: Extension of approval for 2023-2024 academic session. Ref: 391 EC (5.3.2023) Sir/Madam
With reference to the subject cited above, I am directed to inform that subject cited issue was
considered by 391st Executive Committee of the PCI in its meeting held on 5th March, 2023, EC
decided that the larger interest of the students and to maintain the timeline for 2023-2024 academic
session.

In view of above, it was decided as under-

a) Regarding extension of approval for existing course

i) to extend approval for the year 2023-2024 academic session (one year) in respect
of those institutions which are approved by PCI as per approved course and intake in
2022-2023.

ii) the inspection will be conducted throughout the year and outcome of inspection
will treated as the decision for 2024-2025 academic session.

b)Regarding introduction of new course and raise in admission in the existing
institutions

i) to extend the approval of existing course as approved by PCI as per approved
intake in 2022-2023.

ii) Regarding introduction of new course and raise in admission, inspection will be conducted if statutory documents are complete.

Wherever statutory documents are not complete, seven days time be given to institutions to submit the same failing which application for introduction of new course and raise in admission be rejected.

Yours faithfully (ANIL MITTAL) (I/C) Registrar-cum-Secretary."

5. A perusal of order dated 16.03.2023 indicates that the respondent-PCI has extended the approval for the Academic Session 2023-2024 (one year) in respect of those institutions which were approved by respondent-PCI as per approved course and intake in the year 2022-2023.

6. In view of the aforesaid, since the petitioner-institutions were praying for liberty to submit their online applications for extension of their courses for the academic year 2023-2024 which has already been extended by way of decision taken in the 391st Executive Committee meeting dated 05.03.2023 (formal order issued on 16.03.2023), therefore, no cause survives. All concerned are to abide by the decision of the respondent-PCI.

7. In view of the aforesaid, no further directions are required to be issued. Accordingly, the instant petitions stand disposed of.

PURUSHAINdra KUMAR KAURAV, J MARCH 21, 2023/MJ