

<p><b>भारतीय भेषजी परिषद्</b> (स्वास्थ्य एवं परिवार कल्याण मंत्रालय के अंतर्गत सांविधिक निकाय) भारत सरकार आई-300, तीसरी मंजिल, टावर-1, वर्ल्ड ट्रेड सेंटर, नौरोजी नगर, नई दिल्ली-110029 टेलीफोन नंबर 011-65218900-01 E-mail: <a href="mailto:registrar@pci.nic.in">registrar@pci.nic.in</a></p>	 <p>कामधे दु, खतपतानाम् प्राणिनामार्तिनाशनम्</p>	<p><b>PHARMACY COUNCIL OF INDIA</b> (Statutory body under Ministry of Health &amp; Family Welfare) <b>Government of India</b> I-300, 3rd floor, Tower-I, World Trade Centre, Nauroji Nagar, New Delhi-110029 Telephone No. 011-65218900-01 E-mail: <a href="mailto:registrar@pci.nic.in">registrar@pci.nic.in</a></p>
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**Ref No.: 14-56/2025-PCI (Procedure file)**

**To**  
**All State Governments/UTs**  
**All Examining Authorities approved by PCI**  
**All State Admission Committee**  
**All Central Council members of PCI**

**Sub: Regarding compliance of Section 16 of the Pharmacy Act, 1948 and inspection and approval of Pharmacy Institutions under the Pharmacy Act, 1948.**

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Sir / Madam,

In reference to the subject cited above, it is informed that:

1. The Pharmacy Council of India is a statutory body constituted under the Pharmacy Act, 1948 (hereinafter referred to as Pharmacy Act for short) which is a Central Act passed by the Parliament, with an objective of regulating the education and practice of profession of pharmacy in the country in order to ensure that only qualified and skilled manpower takes care of the health of the society.

2. Further, Section 16 of the Pharmacy Act, 1948 specifically empowers the Council to conduct inspections of pharmacy institutions, which reads as under:

*“16. Inspection:-*

*(1) The Executive Committee may appoint such number of Inspectors as it may deem requisite for the purposes of this Chapter.*

*(2) An Inspector may-*

*“(a) inspect any institution which provides an approved course of study;*

*(b) attend at any approved examination;*

*(c) inspect any institution whose authorities have applied for the approval of its course of study or examination under this Chapter, and attend, as it may deem requisite for the purposes of this Chapter at any examination of such institution.*

*(3) An Inspector attending at any examination under sub-section (2) shall not*

*interfere with the conduct of the examination, but he shall report to the Executive Committee on the sufficiency of every examination he attends and on any other matter in regard to which the Executive Committee may require him to report.*

*(4) The Executive Committee shall forward a copy of every such report to the authority or institution concerned, and shall also forward a copy together with any comments thereon which the said authority or institution may have made, to the Central Government and to the Government of the State in which the authority or institution is situated."*

3. Attention is drawn towards order dated 06.10.2025 passed by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, in W.P. No. 5816 of 2025 titled *Gramin Vikas Multipurpose Education Society and Prabhat IOP, District Chandrapur vs. PCI & Others*, wherein the Hon'ble Court was pleased to observe/direct as under –

*"13. We do not find favour with such arguments as it is a settled law that if the statute provides to do a particular thing in a particular manner, it has to be done in the same manner. If the Joint Director does not possess any power either under the Act or under the norms framed by the PCI, it has no power to inspect the college once NOC was issued to start the college.*

*14. If any complaints were received by the Joint Director or the State, they could have forwarded it to the PCI for its knowledge and PCI could have carried out the inspection as per the provisions of law. But for the reasons that the Government received such complaints, it will not give power or authority to the Joint Director to inspect the college"*

4. Order dt.26.11.2025 passed by Hon'ble High Court of Karnataka at Bengaluru in W.P. No.7764 of 2025 in respect of Karnataka Pharmacy College Management Association Vs. Union of India and others, wherein the Hon'ble Court has directed as under –

*"11. As stated supra, in the instant case, in the absence of any statutory provision, rules or regulations which empower, entitle or authorise the State Government to conduct inspection, I am of the considered opinion that the impugned order directing the inspection is without jurisdiction or authority of law and the same deserves to be quashed.*

*12. Insofar as the contention urged on behalf of the respondents State that the issuance of NOC by the respondent-State in favour of the Colleges or Members of the petitioner's Association would entitle the respondents-State to*

*conduct inspection, it is needless to state that mere issuance of NOC by the respondent-State for the purpose of enabling the Institutions which are members of the petitioner's Association to commence the Pharmacy College/Institution cannot be made the basis to come to the conclusion that the respondents State would be entitled to conduct inspection, particularly, in the absence of any statutory provision either under the Act, Rules or Regulations and as such, the said contention urged by the respondents-State cannot be accepted, especially, when the NOC has already been issued by the State Government and the State Government would consequently become functus officio and who was not entitled to conduct inspection.”*

5. In this connection, it is further informed that it has come to the notice of PCI that certain Universities and State Governments are still conducting inspections of pharmacy institutions after getting the approval of Pharmacy Council of India. Hence, in view of the above, it is hereby instructed that in order to avoid unnecessary litigation in future, all State Governments and Universities are hereby advised not to conduct re-inspection / subsequent inspection of pharmacy institutions.

As the Hon'ble Bombay High Court, Nagpur Bench and Hon'ble Karnataka High Court at Bengaluru have categorically observed that State Authorities do not possess statutory powers to conduct such inspections under the Pharmacy Act, 1948 and section 16 empowers only the Pharmacy Council of India to conduct the inspection and approve the course of study with intake.

6. Further, it is clarified that once the initial verification process for issuance of the first time Approval of the Examining Authority (EA) and No Objection Certificate (NOC) for the starting of new course / institution has been completed, the concerned State Government, State Authorities and/or Universities shall not have the jurisdiction or authority to conduct re-inspection / subsequent inspection of the pharmacy institutions under the provisions of the Pharmacy Act, 1948 and the Regulations framed thereunder. The statutory powers relating to inspection, monitoring, approval of course, approval of intake and verification of pharmacy institutions vest exclusively with the Pharmacy Council of India under the provisions of section 16 of the Pharmacy Act, 1948.

7. It is further informed that, in the event any complaint, allegation, irregularity, deficiency or any other issue concerning a pharmacy institution comes to the notice of any State Government, University or other authority, the concerned authority shall forward the details along with the list of such institution(s), if any, to the Pharmacy Council of India for appropriate action. Upon receipt of such information, the Pharmacy Council of India shall examine the matter and, wherever deemed necessary, conduct inspection(s) in accordance with the statutory powers conferred under section 16 of the Pharmacy Act, 1948 and the Regulations framed thereunder.

8. It is also informed that any violation of the provisions of the Pharmacy Act, 1948 and the Regulations framed thereunder by any concerned authority, institution or examining body shall be viewed seriously by the Pharmacy Council of India, and the Council shall be constrained to initiate strict and appropriate action in accordance with law.

This is for strict compliance.

Digitally signed by

ANIL MITTAL

Date: 11-05-2026

18:07:34

**(ANIL MITTAL)**

**Registrar-cum-Secretary**

### **Encl.:**

1. Order dated 06.10.2025 passed by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, in W.P. No. 5816 of 2025 titled *Gramin Vikas Multipurpose Education Society and Prabhat IOP, District Chandrapur vs. PCI & Others*,
- 2 . Order dt.26.11.2025 passed by Hon'ble High Court of Karnataka at Bengaluru in W.P. No.7764 of 2025 in respect of Karnataka Pharmacy College Management Association Vs. Union of India
3. Section 16 of the Pharmacy Act, 1948.

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO. 5816 OF 2025**

1. Gramin Vikas Multipurpose Education Society, Nagpur Through Its Secretary, Nagpur.

2. Prabhat Institute of Pharmacy, Rui, Tq. Brahampuri, Dist. Chandrapur through its Principal.

**....PETITIONERS**

**....VERSUS....**

1. The Pharmacy Council of India Through its Registrar cum Secretary, I-300, 3<sup>rd</sup> Floor, Tower-1, World Trade Centre, Nauroji Nagar, New Delhi - 110029.  
Email: [registrar@pci.nic.in](mailto:registrar@pci.nic.in)

2. State of Maharashtra through its Principal Secretary, Department of Higher and Technical Education, Mantralaya Mumbai-32.

3. Director of Technical Education, Maharashtra State, Central Wing, 1<sup>st</sup> Floor, Dr. Annie Besant Road, Pune.

4. The Joint Director, Technical Education, Nagpur Division, Nagpur.

5. Dr. Babasaheb Ambedkar Technological University, Lonere, Dist. Ratnagiri Through its Registrar.

6. State Common Entrance Test Cell,  
Maharashtra, Through its  
Commissioner, 8<sup>th</sup> Floor, New Excelsior  
Building, A.K. Nayak Marg, Fort  
Mumbai - 400001.

Email: [cetcell@mahacet.org](mailto:cetcell@mahacet.org)

....RESPONDENTS

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Shri F.T.Mirza, Senior Advocate a/b. Shri A.I.Sheikh, Advocate  
for petitioners.

Ms. Neerja G. Chaubey, Advocate for respondent no. 1.

Ms. T.H.Khan, AGP for respondent nos. 2 to 4/State.

Shri Nikhil A. Gaikwad, Advocate for respondent no. 6.

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CORAM : ANIL S. KILOR AND  
RAJNISH R. VYAS, JJ.

DATE : 06/10/2025

ORAL JUDGMENT (PER: ANIL S. KILOR, J.)

Heard learned counsel for the respective parties.

2. In the present matter, the petitioners are having Pharmacy College i.e. petitioner no. 2 college wherein the imparts Bachelor of Pharmacy (B. Pharm) and Master of Pharmacy (M. Pharm) courses. The Circular dated 26/9/2025 issued by the respondent no. 1 - Pharmacy Council of India (for short, "PCI") gave a cause to the petitioners to file this petition as respondent no. 1 vide Circular dated 26/9/2025 added the name of petitioner no. 2 in the list of colleges who

have been put under the category namely “Not to make admission category.” The reason for inclusion of the name of the petitioner no. 2 in such list is that in the inspection carried out by the Joint Director i.e. respondent no. 4, it was revealed that in the petitioner no. 2 - College, instead of ten laboratories, eight laboratories were found and as such, there is a deficiency of two laboratories which according to the petitioners are under construction.

3. In the present matter, while issuing the notice, we categorically recorded three submissions made by the learned counsel for the petitioners namely (1) as per the norms of the PCI, it is not the requirement of ten laboratories, but it is of eight laboratories, (2) the Joint Director has no authority to inspect the petitioner college and (3) the report of the inspection carried out by the Joint Director was not supplied to the petitioner college.

4. Since the point no. 2 relates to the jurisdiction or the authority of the Joint Director to inspect the petitioner college, which goes to the root of the matter and as admittedly

the impugned Circular was issued in light of the inspection report carried out by the Joint Director, we intend to deal with the said issue first.

5. While justifying the power of the Joint Director to inspect the petitioner pharmacy college, in the reply filed by the Joint Director, it is stated in para 4 as under:-

*"4. It is further pertinent to submit that, so far as the permission required for conducting the course of B.Pharm and D.Pharm is concerned towards granting permission in that regard, the process for granting new institutions and introduction of new Pharmacy course of all the existing institutions, has been prescribed by the respondent No.1. A copy of said approval process is annexed herewith as Annexure R-1. As per said process, the institutions are required to apply on the portal along with requisite charges and documents at the time of application for consideration by the respondent no.1. One of the document required to be submitted by the institute is NOC of the State Government and consent of affiliation of examining authority. Furthermore, the institutions are required to keep visiting the council websites over circulars/instructions issued by the respondent no. 1 from time to time for strict implementation and to comply with the prescribed norms with regard to infrastructure etc failing which their application would not be considered by the respondent no.1 for the purpose of extension of approval and introduction of new course. Clause 4, 13 and 14 is relevant in that regard.*

*From the above it is clear that certain obligation is cast on the institution (petitioner no.2) to get the NOC from the State Government in the case of B.Pharm course and consent of affiliation from MSBTE, Mumbai in the case of D.Pharm course and the university concerned in the case of B.Pharm course."*

6. No doubt that, for permission to start a new college whether of B.Pharm or D. Pharm, the NOC of the State Government is required and therefore, for issuance of such NOC, there is a power to inspect the college by the State Government.

7. However, nothing is pointed out to show that every year for permission by PCI to admit the student, there is a similar requirement of submission of such NOC. Thus, in absence of any such provisions, it is evident that at the time of starting the college, such NOC is required and once such NOC is given by the State Government, for subsequent permission to admit the student, such NOC is not required. Thus, the sources of power to inspect the college as stated in para 4 is limited to the extent at the time of permission to start the college and not subsequently for permission to admit the students.

8. On the other hand, Section 16 of the Pharmacy Act, 1948 (for short, "Act of 1948") which deals with inspection, says that the Executive Committee may appoint

such number of inspectors as it may deem fit if require for the purpose of said chapter.

9. Sub-section (4) of Section 16 of the Act of 1948 further commands that the Executive Committee shall forward a copy of every such report to the authority or institution concerned and shall also forward a copy together with any comments thereon which said authority or institution may have made, to the Central Government and to the Government of State in which the authority or institution is situated.

10. Nothing is pointed out that the Joint Director was appointed by the Executive Committee of PCI to inspect the petitioner no. 2 college as stipulated under Section 16 of the Act of 1948. Furthermore, it is not pointed out that, such report was forward to the petitioner no. 2 college for its comments on the same, as per Section 16(4) of the Act of 1948.

11. The learned AGP for the State and learned counsel for the PCI argued that since the college is not denying the

deficiencies pointed out in the report, the issue of jurisdiction or the authority of the Joint Director does not have relevance as far as the impugned action is concerned.

12. In addition to this, learned AGP further argued that the State Government received many complaints against the colleges and therefore, inspection was carried out throughout Maharashtra and petitioner no. 2 is not the only college against which such action was taken, but such action was taken against all such colleges where the deficiencies were noticed by the Joint Director.

13. We do not find favour with such arguments as it is a settled law that if the statute provides to do a particular thing in a particular manner, it has to be done in the same manner. If the Joint Director does not possess any power either under the Act or under the norms framed by the PCI, it has no power to inspect the college once NOC was issued to start the college.

14. If any complaints were received by the Joint Director or the State, they could have forwarded it to the PCI for its knowledge and PCI could have carried out the inspection as per the provisions of law. But for the reasons that the Government received such complaints, it will not give power or authority to the Joint Director to inspect the college.

15. Thus, we are of the considered view that PCI issued impugned Circular on the basis of the inspection report submitted by the Joint Director is contrary to the law.

16. Furthermore, such report was not forwarded by the PCI to the petitioner college in compliance with Sub-section 4 of Section 16 of Act of 1948.

17. In the circumstances, as the petitioners succeed on these two points, unless there is a report of the inspector authorized by the PCI as regards the number of laboratories or any deficiency in the petitioner college putting the petitioner no. 2 in the category of "Not to make admission

category” is contrary to law. In the circumstances, we pass the following order:-

ORDER

- (i) The petition is **allowed**.
- (ii) The Circular dated 26/09/2025 (pg.53) issued by respondent no. 1 - Pharmacy Council of India putting the name of petitioner no. 2 - College in the list of Colleges of the Category “Not to make admission category”, is hereby quashed and set aside.
- (iii) Accordingly, we direct the respondent nos. 1, 4 and 6 to include the name of petitioner no. 2 - College on the website created for the purpose of admission at the earliest.
- (iv) The respondent no. 6 is directed to include the name of petitioner no. 2 - College in the list of colleges provided for admission on the website at the respondent no. 6 within 24 hours.
- (v) The respondent no. 6 shall make endeavour for the same.

(vi) The petition is **disposed of** accordingly.

(vii) An authenticated copy of this order be furnished to the parties to act upon.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

*B.T.K.*



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26<sup>TH</sup> DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 7764 OF 2025 (EDN-RES)

**BETWEEN:**

KARNATAKA PHARMACY COLLEGE  
MANAGEMENT ASSOCIATION  
C/O NARGUND COLLEGE OF PHARMACY  
DATTATREYANAGAR II MAIN,  
100 FT RING ROAD, B.S.K II STAGE,  
BANGALORE-560085  
REP. BY ITS JOINT SECRETARY S.SHIVAKUMAR

...PETITIONER

(BY SRI. UDAYA HOLLA, SENIOR COUNSEL  
APPEARING FOR SRI KRISHNA T., ADVOCATE)

**AND:**

1. THE UNION OF INDIA  
MINISTRY OF HEALTH AND FAMILY  
WELFARE DEPARTMENT,  
HIGHER EDUCATION, NIRMAN BHAVAN,  
NEW DELHI-110011  
REPRESENTED BY ITS PRINCIPAL SECRETARY
2. THE STATE OF KARNATAKA  
DEPARTMENT OF HEALTH AND FAMILY WELFARE  
MEDICAL EDUCATION  
M.S.BUILDING, BANGALORE -560001  
REPRESENTED BY ITS PRINCIPAL SECRETARY
3. PHARMACY COUNCIL OF INDIA  
NBCC CENTRE, 3RD FLOOR, PLOT NO.2,  
COMMUNITY CENTRE, MAA ANANDAMAI MARG,  
OKHLA PHASE- 1, NEW DELHI - 110020  
REPRESENTED BY ITS PRESIDENT
4. THE COMMISSIONER  
FOOD SAFETY AND DRUG ADMINISTRATION  
PALACE ROAD,

Digitally  
signed by  
NANDEINI R  
Location:  
HIGH  
COURT OF  
KARNATAKA



BENGALURU 560001.

...RESPONDENTS

(BY SRI.H SHANTHI BHUSHAN, DSGI FOR R1 & R3,  
SRI. MANJUNATH K., HCGP FOR R2 & R4)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 12-3-2025 BEARING NO.AA OWAA/YOJANE/58/2024-25, PRODUCED AS ANNEXURE-A. DECLARE THAT THE CHAIRMAN AND THE INSPECTION TEAM CONSTITUTED UNDER HIS GUIDANCE AND SUPERVISION IS NOT COMPETENT TO INSPECT THE D PHARMA INSTITUTIONS AS THE SAME IS IN VIOLATION OF THE STATUTORY ENACTMENTS NAMELY THE PHARMACY ACT AND THE RULES FRAMED THEREUNDER.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

**ORAL ORDER**

1. In this petition, petitioner seeks the following reliefs:

*"WHEREFORE, it is prayed that this Hon'ble Court may be pleased to:*

*(a) Issue appropriate Writ, Order or Direction in the nature of Writ of Certiorari quashing the impugned order dated 12-3-2025 bearing No.Aa:OwAa/Yojane/58/2024-25, produced as ANNEXURE-A.*

*(b) Declare that the Chairman and the Inspection team constituted under his guidance and supervision is not competent to inspect the D Pharma Institutions as the same is in violation of the statutory enactments namely the Pharmacy Act and the Rules framed thereunder.*



*(c) Grant such other relief's as this Hon'ble Court would be pleased to grant in the circumstances of the case, in the interest of justice and equity."*

2. Heard learned Senior Counsel for the petitioner, learned DSGI for respondent Nos.1 and 3 and learned HCGP for respondent Nos. 2 and 4 and perused the material on record.

3. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned Senior Counsel for the petitioner invited my attention to the Pharmacy Act, 1948 and the Regulations framed thereunder in order to point out that insofar as inspection of the Colleges of the petitioner's Association are concerned, it is only, respondent No.3- Pharmacy Council of India, which would have power, jurisdiction and authority of law to conduct such inspection and respondent-State is neither authorized nor empowered to conduct such inspection. It is also pointed out that insofar as Nursing Colleges are concerned, this Court in the case of **KARNATAKA STATE PRIVATE MANAGEMENT ASSOCIATION OF HEALTH INSTITUTIONS VS. STATE OF KARNATAKA IN W.P.NO.32106/2024 AND CONNECTED MATTER DECIDED ON 02.05.2025** came to the



conclusion that the State Government did not have jurisdiction or authority of law to conduct inspection and it is only the Indian Nursing Council, Karnataka Nursing Council and Rajiv Gandhi University of Health Sciences, who are entitled to conduct such inspection of all Colleges to which they are affiliated. It is, therefore, submitted that the impugned order passed by respondent-State directing inspection of the Colleges which are members of the petitioner's Association is illegal, arbitrary and without jurisdiction or authority of law and contrary to the provisions of the Pharmacy Act, 1948 and the Rules and Regulations made thereunder and the same deserves to be quashed.

4. *Per contra*, learned DSGI for respondent No.1- Union of India and respondent No. 3- Pharmacy Council of India, would submit that the State Government is not entitled to conduct inspection and it is a Pharmacy Council of India who would conduct inspection of all Pharmacy Colleges under Section 16 of the Pharmacy Act and appropriate orders may be passed in the present petition.



5. Learned HCGP on behalf of respondent Nos.2 and 4 would support the impugned order. It is submitted that since the requisite 'No Objection Certificate' has to be issued by the State Government before commencement of Pharmacy College, the respondent- State is entitled to conduct inspection and as such, there is no merit in the petition and the same is liable to be dismissed.

6. Before advertent to the rival contentions, it would be necessary to extract the relevant provisions of the Pharmacy Act, 1948. Section 16 and Section 26-A read as under:

**Section 16:**

***"16. Inspection.- (1) The Executive Committee may appoint such number of Inspectors as it may deem requisite for the purposes of this Chapter.***

*(2) An Inspector may -*

*(a) inspect any institution which provides an approved course of study;*

*(b) attend at any approved examination;*

*(c) inspect any institution whose authorities have applied for the approval of its course of study or*



*examination under this Chapter, and attend at any examination of such institution.*

*(3) An Inspector attending at any examination under subsection (2) shall not interfere with the conduct of the examination, but he shall report to the Executive Committee on the sufficiency of every examination he attends and on any other matter in regard to which the Executive Committee may require him to report.*

*(4) The Executive Committee shall forward a copy of every such report to the authority or institution concerned, and shall also forward a copy together with any comments thereon which the said authority or institution may have made, to the Central Government and to the Government of the State in which the authority or institution is situated."*

**Section 26A Inspection:**

*"[26A. Inspection.-](1) A State Council may, with the previous sanction of the State Government, appoint Inspectors having the prescribed qualifications for the purposes of Chapters III, IV and V of this Act.*

*(2) An Inspector may -*

*(a) inspect any premises where drugs are compounded or dispensed and submit a written report to the Registrar;*

*(b) enquire whether a person who is engaged in compounding or dispensing of drugs is a registered pharmacist;*



*(c) investigate any complaint made in writing in respect of any contravention of this Act and report to the Registrar;*

*(d) institute prosecution under the order of the Executive Committee of the State Council;*

*(e) exercise such other powers as may be necessary for carrying out the purposes of Chapters III, IV and V of this Act or any rules made thereunder.*

*(3) Any person wilfully obstructing an Inspector in the exercise of powers conferred on him by or under this Act or any rules made there under shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.*

*(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).]"*

7. A perusal of aforesaid provisions and the other provisions of the Pharmacy Act, will indicate that there is no power either express or implied conferred upon the State Government to conduct inspection and it is exclusive domain of the Pharmacy Council of India to conduct inspection of any Pharmacy College in accordance with law.



8. In the instant case, a perusal of the impugned order will indicate that the source of power to conduct inspection has not been traced to any statutory provisions and on the other hand, all that is referred to is, the Pharmacy Council of India Regulations which do not provide for any power for the State Government to conduct inspection. Under these circumstances, I am of the considered opinion that the State Government was neither empowered nor entitled to conduct inspection by passing the impugned order which deserves to be quashed.

9. Under identical circumstances, in relation to Nursing Schools and Colleges, this Court in the case of **KARNATAKA STATE PRIVATE MANAGEMENT ASSOCIATION OF HEALTH INSTITUTIONS VS. STATE OF KARNATAKA** referred supra, held as under:

*"11. The points that would arise for determination in the present matters are;*

- 1. Whether the State Government can direct the inspection of Nursing colleges or Institutions by the Deputy Commissioner or are such inspections to be conducted only by RGUHS, INC or KNC?**
- 2. What order?**



**12. ANSWER TO POINT NO.1: Whether the State Government can direct the inspection of Nursing colleges or Institutions by the Deputy Commissioner or are such inspections to be conducted only by RGUHS, INC or KNC?**

12.1. Many submissions have been made by the Petitioners stating that there are expert bodies like RGUHS, INC and KNC who regulate Nursing colleges and Nursing schools and as such, these specialized bodies discharging their functions effectively, there being no complaint against them, the question of the Honorable Minister directing the Deputy Commissioner to conduct inspection would not arise.

12.2. Per contra, the submission made by the State is that in terms of Section 20 and 22 of Act of 1961, a licensing authority can carry out any inspection of any Nursing Institution and also monitor the nurses registered under the said Act. It is on that basis it is contended that there being complaints as regards the working of Nursing colleges/schools, the Deputy Commissioner was called upon to carry out inspection.

12.3. None can dispute the requirement that educational Institutions perform their obligations and provide the necessary infrastructure for the students. None can dispute that Karnataka is regarded as an education hub where



*students from other States come to avail education. It is also trite that there are several complaints which are received from the students and or the parents as regards the functioning of colleges in general, Nursing colleges and Nursing schools, in particular. These complaints are made in a manner so as to depict as if the Government has not performed its obligation, requiring action to be taken. When such complaints are made, the legal niceties of specialized agencies like RGUHS, INC or KNC being available is not taken into consideration by such complainants since they probably are not aware of the same. It is probably on account of this that the Hon'ble Minister felt the need to direct the Deputy Commissioner to conduct the inspection of the Nursing colleges/schools so as to ascertain if the infrastructure provided is proper and correct and if the colleges are performing their actions in a proper manner.*

*12.4. The intent of the Hon'ble Minister may be noble and proper and in order to protect the interest of the students and parents, but, however, taking into consideration the legal aspects, these inspections can only be carried out by the concerned specialised agencies, in case of Nursing colleges and schools, by the RGUHS, INC and KNC. Under these Acts, there are specialized persons with special qualifications who are appointed as inspectors, who could carry out such inspections to ascertain whether all the infrastructure and facilities are provided. The Deputy Commissioner, even with the assistance of the specialized*



*agencies, in my considered opinion, cannot substitute the specialized agencies like RGHHS, INC and KNC.*

*12.5.Though a submission has been made by learned AGA that a policy decision has been taken in this regard and joint task force of the representatives of R.G.U.H.S., I.N.C. and K.N.C. would carry out the inspection, the same is not clear from the impugned order. The impugned order only states that the Deputy Commissioner shall carry out the inspection with the assistance of Nursing subject experts. There is no reference which has been made to the impugned order dated 5-11-2024 to experts under R.G.U.H.S., I.N.C. or K.N.C. Thus, firstly, there is no policy decision which could be said to have been taken by issuance of a letter by the Principal Secretary to Government, Health and Family Welfare Department for Medical Education on the instructions of the Hon'ble Minister, nor does the said letter bear out a joint task force as contended. Thus, the said letter would have to be looked upon as an instruction by the Principal Secretary and not as a policy decision of the State, the same not qualifying as a policy decision.*

*12.6.If the said letter is looked at as an instruction, then as indicated above, the Deputy Commissioner not having any expertise in educational facilities, the nature of the subject experts, the qualification thereof, not having been indicated in the instruction dated 5-11-2024, I am of the considered opinion that the said letter is completely arbitrary, the exercise of powers by the Deputy Commissioner is*



*unbridled and such inspection is not under any particular enactment.*

*12.7. Though reference has been made by Ms.Mamata Shetty, learned AGA to Section 20 and 22, the impugned order does not reflect the said provisions nor is the power exercised under the said provisions. Thus, the arguments advanced before this court, in my considered opinion, can only be said to be an afterthought. In that view of the matter, the impugned order not being a policy decision, not having been passed under Section 20 or 22 of KNM Act, as indicated above, is only a direction issued by the Principal Secretary to the Deputy Commissioner.*

*12.8.Of course, if the order had been issued under Section 20 and 22 of the KNM Act, which is reproduced hereinabove, the licensing authority can exercise general supervision and control over the Nurses, Midwives, auxillary nurse and midwives under Section 20, as also regulate Nurses establishment under Section 22. The licensing authority under Section 22 of KNM Act would have the right to impose additional conditions than that imposed by KNC, INC and RGUHS and the licensing authority could monitor the compliance with the said additional conditions and for that purpose could enter upon the premises specified in licence. Of course, this power under Section 22 would only extend to the additional conditions imposed by the licensing authority over and above the conditions imposed by KNC, INC and RGUHS. The licensing authority would not have any authority to seek for compliance of the conditions imposed by KNC, INC and RGUHS, which will*



*be the sole prerogative of those Institutions and not of the licensing authority.*

*12.9. The object sought to be achieved by the Hon'ble Minister and the Principal Secretary are indeed what is required to be done to protect the interest of students, on enquiry with Sri.Shivarudra, as indicated above, he has submitted that the INC is carrying out necessary inspection from time to time. On enquiry with Ms. Jyoti Maradi, learned counsel, appearing for KNC, she submitted that KNC also carries out inspections from time to time. Similar is the submission made by Smt.Mamtha G.Kulkarni, learned Counsel appearing for RGUHS. If that were being so done, then the question of another set of inspections to be carried out by the Deputy Commissioner would not only be a duplicitous effort but, in the present case, could be the fourth such inspection.*

*12.10. On enquiry as to whether these inspection reports are uploaded on any website and made available to all the concerned, as also for viewing by the students and parents before seeking admission, the Counsels for INC, KNC and RGUHS submit that there is no such system which has been put in place.*

**General Directions**

*12.11. In that view of the matter, I am of the considered opinion that general directions would have to be issued to these authorities. As such, the following general directions are issued:*



1. **Indian Nursing Council:** *The INC is directed to set up a web portal where all the inspection reports are uploaded by the INC, State wise, district wise and college-wise, as regards all aspects which come under the administrative supervision of the INC. INC is also directed to provide necessary Application Programming Interface (APIs) to RGUHS, KNC and the Health and Family Welfare Department to automatically access the data uploaded by INC on its website with reference to the particular college/school/Institution.*
2. **Karnataka Nursing Council:** *The KNC is directed to set up a web portal where all the inspection reports are uploaded by the KNC college-wise, as regards all aspects which come under the administrative supervision of the KNC. KNC is also directed to provide necessary Application Programming Interface (APIs) to RGUHS, INC and the Health and Family Welfare Department to automatically access the data uploaded by KNC on its website with reference to the particular college/school/Institution.*
3. **RGUHS:** *The RGUHS is directed to set up a web portal where all the inspection reports are uploaded by the RGUHS college-wise, as regards all aspects which come under the administrative supervision of the RGUHS. RGUHS is also directed to provide necessary Application Programming Interface (APIs) to INC, KNC and the Health and Family Welfare Department to automatically access the data uploaded by RGUHS on its website with reference to the particular college/school/Institution.*



4. *The above information, data and inspection reports, as regards the infrastructure facility at each of the colleges, schools, Institutions, as also all licenses, sanctions, etc., issued by the concerned authority would have to be uploaded onto the websites of the respective Universities.*
5. *The details of any litigations that the particular education Institution is involved are to be uploaded.*
6. *A detailed project report by each of the above organizations to be submitted within a period of six weeks from today from date of receipt of a certified copy of this order.*
7. *The details of any complaints received by the INC, KNC and RGUHS to be uploaded on their respective web portal with an option to submit an online grievance by any student, parent or teacher/lecturer to be also made available, on the said portal.*
8. *A grievance redressal mechanism to be also established in this regard by the authority concerned.*

**13. ANSWER TO POINT NO. 2: What Order?**

13.1 *In view of my answer to Point No.1 above, I pass the following:*

**ORDER**

- i. *The writ petition in W.P. No.32185/2024 is allowed. A certiorari is issued and communication bearing reference No.Aa.Sa.Pa.Sum:MED 555 MSF 2024*



- dated 5.11.2024 at Annexure-B issued by Respondent No.1 is quashed.*
- ii. The writ petition in W.P. No.32106/2024 is allowed in view of the quashing of the said communication in W.P. No.32185/2024, no orders are required to be passed in W.P. No.32106/2024.*
  - iii. Liberty is reserved to forward the complaint received by the State Government or any authority under the State Government to RGUHS/INC/KNC who shall take action thereon as expeditiously as possible, keeping such authority informed of such action.*
  - iv. Liberty is also reserved to the Licencing authority to take such action as is permissible for violation of the licence.*
  - v. Though both the above petitions are disposed of, **relist on 15.07.2025 at 2.30 p.m.** for reporting compliance with the general directions by the INC, KNC and RGUHS.*

10. As held by the Co-ordinate Bench of this Court in the aforesaid order, the State Government is not entitled nor empowered or authorized to conduct inspection of Nursing Schools, Colleges or Institutions which are governed by the Indian Nursing Council Act and power to conduct inspection is conferred upon the RGUHS, Indian Nursing Council and Karnataka Nursing Council and not upon the State Government.



11. As stated supra, in the instant case, in the absence of any statutory provision, rules or regulations which empower, entitle or authorise the State Government to conduct inspection, I am of the considered opinion that the impugned order directing the inspection is without jurisdiction or authority of law and the same deserves to be quashed.

12. Insofar as the contention urged on behalf of the respondents-State that the issuance of NOC by the respondent-State in favour of the Colleges or Members of the petitioner's Association would entitle the respondents-State to conduct inspection, it is needless to state that mere issuance of NOC by the respondent-State for the purpose of enabling the Institutions which are members of the petitioner's Association to commence the Pharmacy College/Institution cannot be made the basis to come to the conclusion that the respondents State would be entitled to conduct inspection, particularly, in the absence of any statutory provision either under the Act, Rules or Regulations and as such, the said contention urged by the respondents-State cannot be accepted, especially, when the NOC has already been issued by the State Government and the State Government would consequently



become functus officio and who was not entitled to conduct inspection. Hence, I pass the following:

**ORDER**

- (i) The petition is allowed.
- (ii) The impugned order dated 12.03.2025 passed by respondent No.4 is hereby quashed.

**Sd/-  
(S.R.KRISHNA KUMAR)  
JUDGE**

tsn\*  
List No.: 1 Sl No.: 37

## **16. Inspection: -**

- (1) The Executive Committee may appoint such number of Inspectors as it may deem requisite for the purposes of this Chapter.
- (2) An Inspector may-
  - (a) inspect any institution which provides an approved course of study;
  - (b) attend at any approved examination;
  - (c) inspect any institution whose authorities have applied for the approval of its course of study or examination under this Chapter, and attend, as it may deem requisite for the purposes of this Chapter at any examination of such institution.
- (3) An Inspector attending at any examination under sub-section (2) shall not interfere with the conduct of the examination, but he shall report to the Executive Committee on the sufficiency of every examination he attends and on any other matter in regard to which the Executive Committee may require him to report.
- (4) The Executive Committee shall forward a copy of every such report to the authority or institution concerned, and shall also forward a copy together with any comments thereon which the said authority or institution may have made, to the Central Government and to the Government of the State in which the authority or institution is situated.