

sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.1981 of 2021</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Abhijay Negi, Advocate, for the petitioner.</p> <p>The petitioner has contended that the petitioner's Institution happens to be one of the leading Institutions in the field of hospitality and higher education, which has been engaging itself into such type of courses ever since 2005.</p> <p>The petitioner has further contended, that the petitioner's Institution enjoys an approval from All India Council of Technical Education, Ministry of Human Resources Development, Government of India, as well as, that of the State, and in fact it is the only private Institution, which has been recognized by the AICTE, in the Garhwal Region, for running their Bachelor courses of hotel management and catering technology. The National Council of Hotel Management and Catering Technology, too has approved the Institution of the petitioner. In fact, the records of the writ petition shows that the petitioner's Institution has filed an application before the Pharmacy Council of India for the academic session 2017-2018, along with all the requisite testimonials in order to process the application of the petitioner for the approval of the subject, for the said academic year. In fact, the petitioner was even also granted a temporary</p>

			<p>permission, for administering the courses of B. Pharma and D. Pharma, but it was confined to for the academic session 2017-2018, which was temporarily granted to the petitioner's Institution, and later on it was temporarily continued from time to time. In fact, the controversy, arose when the petitioner's Institution applied for its renewal for the academic session 2020-2021, but on account of certain technical glitch, the application of the petitioner for renewal of the petitioner Institution, could not be processed for the said academic year 2020-2021, despite of the fact that the petitioner had consistently made several requests, to the Pharmacy Council of India, to consider the request for the approval of the courses by which the temporary permission was granted for the year 2017 -2018. However, nothing was forthcoming so far it relates to the academic year 2020-2021, is concerned.</p> <p>Be that as it may, that with the commencement of the academic session for the year 2021-2022, the petitioner's Institution once again applied before the respondent, but while considering the petitioner's Institution request for the continuation of the recognition which was already granted for the academic session 2017 - 2018, onwards to be made applicable for the academic year 2021 -2022 also, the respondent by virtue of their correspondence dated 15.06.2021, in fact had created an impediment, in continuing with the recognition granted since</p>
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			<p>2017-2018, on the pretext, that since the petitioner's Institution recognition was not continued for the academic year 2020-2021 as there was a break in recognition, the petitioner's application for the grant of recognition, would be treated as to be a new applicant, for the grant of recognition of the courses to be recognized by the Pharmacy Council of India.</p> <p>When the writ petition was filed, the respondents were noticed, the petitioner has filed an affidavit of service of having served "dasti" notices on the Pharmacy Council of India, but till date none has appeared to raise a pleadings to the contrary, then what has been raised by the petitioner in the writ petition to substantiate his case, that owing to the infrastructure facilities and the facility of adequate faculty, which is available to him which rather satisfies the norms of the Pharmacy Council of India, the recognition of the petitioner's Institution by the Pharmacy Council of India for the academic year 2021-2022, ought to have been continued. But no positive mandamus, at this stage, could be issued to the Pharmacy Council of India by this Court to grant the recognition to the petitioner's Institution in the absence of their appearance in the writ petition before this Court.</p> <p>Hence, since the respondent/Pharmacy Council of India, despite of service of notice has not put in appearance before this Court. It is hereby directed, that the petitioner's Institution</p>
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would approach the Pharmacy Council of India, by filing an application for the grant of the recognition for the B. Pharma and D. Pharma courses, for the academic year 2021- 2022, that would be pragmatically considered by the Pharmacy Council of India, as per the Rules prevalent, governing the field of recognition of the courses, and the impugned orders dated 10.06.2021 and 27.06.2021, whereby the petitioner's Institution has been determined as to be a new applicant for the grant of the recognition; would not create any impediment in considering the application for the grant of continuity of recognition of the petitioner's Institution in continuance to the recognition, already granted to the Institution of the petitioner in the year 2017-2018. The decision on the application of the petitioner's Institution, would be taken by the Pharmacy Council of India within a period of one month from the date of the production of a certified copy of this judgment.

Subject to the above observations, the writ petition stands disposed of accordingly.

(Sharad Kumar Sharma, J.)

01.10.2021

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