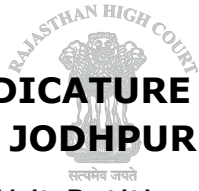




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



(1). S.B. Civil Writ Petition No. 5599/2021

Shri Sawai College Of Pharmacy, Deedwana, District Nagaur Run And Managed By The Society Shri Sawai Shikshan Avam Prashikshan Va Shodh Sansthan, Deedwana, District Nagaur Through Its Secretary, Gorakh Singh S/o Late Sawai Singh, Aged 43 Years, Resident Of Near Panchmukhi Balaji Mandir, Gadha Baas, Deedwana, District Nagaur (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Jaipur.
2. Pharmacy Council Of India, Through Its Registrar Cum Secretary, Office At Nbcc Centre, 3Rd Floor, Plot No. 2, Community Centre, Maaanandamai Marg, Okhla Phase 1, New Delhi (110020).
3. Rajasthan University Of Health And Science, Through Its Registrar, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, (Raj.).

----Respondents

Connect with

(2). S.B. Civil Writ Petition No. 15101/2022

1. Hari Kishan S/o Shri Mohan Lal, Aged About 35 Years, Padmaniya Bass, Tehsil Didwana, District Nagaur, Rajasthan.
2. Aashish Vaishnav S/o Shri Ramswaroop Vaishnav, Aged About 25 Years, R/o Sumer Nagar, Tehsil Kishangarh, District Ajmer, Rajasthan.
3. Abdul Aziz Khan S/o Shri Bachnu Khan, Aged About 22 Years, R/o Ward No. 1, Sahriya Bas, Purani Majid Ke Pass, Tehsil Ladnu, District Nagaur, Rajasthan.
4. Aditee Kakra (Miss) D/o Shri Harshvardhan Kakra, Aged About 18 Years, R/o Village Koliya Tehsil Didwana, District Nagaur, Rajasthan.
5. Atma Ram S/o Shri Partap Singh, Aged About 25 Years, R/o Ward No. 13, Nehrana, Tehsil Badara, 6 Ntr, District





Hanumangarh, Rajasthan.

6. Chhotu Ram S/o Shri Shivkaran Ram, Aged About 30 Years, R/o Nandoli Bass Chandawat, Tehsil Makrana, District Nagaur, Rajasthan.
7. Deepak S/o Shri Kamal Kishor, Aged About 24 Years, R/o New Teliwara, Near Bhutnath Temple, District Nagaur, Rajasthan.
8. Devesh Panwar S/o Shri Hemendra Kumar, Aged About 20 Years, R/o Shiv Colony, Palwad Road, District Sikar, Rajasthan.
9. Dhapu Roj (Miss) D/o Shri Ugma Ram Roj, Aged About 23 Years, R/o Dobadi Mund, District Nagaur, Rajasthan.
10. Dharam Chand S/o Shri Ram Kumar, Aged About 34 Years, R/o Village Shyopura, Tehsil Ramsara, District Ganganagar, Rajasthan.
11. Dharmendra Bidiysar S/o Shri Om Prakash Bidiysar, Aged About 19 Years, R/o Near Tagore School, Viillage Khiyanla, Tehsil Jayal, District Nagaur, Rajasthan.
12. Dhura Ram S/o Shri Bhanwar Lal, Aged About 29 Years, R/o Meghwal Basti, Boranada, Jodhpur, Rajasthan.
13. Durga Ram S/o Shri Pokar Ram, Aged About 28 Years, R/o Bardwo Ki Dhani, Dhudhadiya, Tehsil Osiya, District Jodhpur, Rajasthan.
14. Govind Panwar S/o Shri Sukh Ram Panwar, Aged About 23 Years, R/o New Teliwara, Near Bhutnath Temple, District Nagaur, Rajasthan.
15. Ikbal Khan Moyal S/o Shri Abdul Hameed Moyal, Aged About 42 Years, R/o Bada Bass, Tehsil Ladnun, District Nagaur, Rajasthan.
16. Imran Khan S/o Shri Jivan Khan, Aged About 33 Years, R/o Tehsil Makarana, District Nagaur, Rajasthan.
17. Jayveer Singh S/o Shri Rajkumar Panwar, Aged About 23 Years, R/o Magra Bass, Tehsil Ladnun, Nagaur, Rajasthan.
18. Komal Sikhwal (Miss) S/o Shri Indraraj Sikhwal, Aged About 18 Years, R/o Village Phalki, Post Mugdara, Tehsil Merta City, Rajasthan.
19. Kuldeep Singh S/o Shri Indra Singh, Aged About 23



Years, R/o Khangarot Near Ram Temple, Kishangarh, Ajmer, Rajasthan.

20. Mahesh Dutt S/o Shri Pukh Raj, Aged About 48 Years, R/o Bedla Kua Gosinada Mohalla, Nagaur, Rajasthan.
21. Mahesh Choudhary S/o Shri Heera Lal, Aged About 38 Years, R/o Vpo Mandukara, Toshina, Tehsil Didwana, District Nagaur, Rajasthan.
22. Manohar Lal S/o Shri Missa Ram, Aged About 33 Years, R/o Bhaduo Ka Bas, Vpo Kalru, Tehsil Merta, District Nagaur, Rajasthan.
23. Mohd. Aameen S/o Shri Mohd. Farukh, Aged About 26 Years, R/o Village Keerap, Tehsil Didwana, District Nagaur, Rajasthan.
24. Mohd. Arshad S/o Shri Amjad Ali, Aged About 21 Years, R/o Near Kayam Khani Hostel, Salt Road, Tehsil Didwana, District Nagaur, Rajasthan.
25. Mohd. Imran S/o Shri Mohd. Sadik, Aged About 27 Years, R/o Bharat Takies Ke Samne, Mahi Darwaja, Tehsil Didwana, District Nagaur, Rajasthan.
26. Mohd. Ameer Khan S/o Shri Gulam Kasam Khan, Aged About 36 Years, R/o Chapari Gate Ke Andar, Tehsil Didwana, District Nagaur, Rajasthan.
27. Mohd. Sayed Khan S/o Shri Ata Mohammed Khan, Aged About 27 Years, R/o Ward No.13, Jatanpurar, Tehsil Didwana, District Nagaur, Rajasthan.
28. Mohd. Akbar Gauri S/o Shri Mo. Sikander Gauri, Aged About 22 Years, R/o Kuchaman Road, Katla Bad, Tehsil Didwana, District Nagaur, Rajasthan.
29. Mohd. Amir Khan S/o Shri Mohd. Ayub Khan, Aged About 20 Years, R/o Khatiya Basni, Tehsil Didwana, District Nagaur, Rajasthan.
30. Mohd. Musab S/o Shri Naeemuddin, Aged About 23 Years, R/o Ward No. 94, Shekhpura Mohalla, Sikar, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Medical, Health And Family Welfare, Government Of



Rajasthan, Secretariat, Jaipur, Rajasthan.

2. Pharmacy Council Of India, Through Its Registrar Cum Secretary, Office At Nbcc Centre, 3Rd Floor, Plot No.2, Community Centre, Maa Anandamai Marg, Okhla Phase 1, New Delhi - 110020.
3. Rajasthan University Of Health And Science, Through Its Registrar, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan.
4. Shri Sawai College Of Pharmacy, Deedwana, District Nagaur Run And Managed By The Society Shri Sawai Shikshan Avam Prashikshan Va Shodh Sansthan, Deedwana, District Nagaur Through Its Secretary, Gorakh Singh S/o Late Sawai Singh, Aged 43 Years, R/o Near Panchmukhi Balaji Mandir, Gadha Baas, Deedwana, District Nagaur, Rajasthan.

-----Respondents

(3). S.B. Civil Writ Petition No. 17749/2022

1. Suresh Saini S/o Ganesha Ram, Aged About 20 Years, Gadha Bass, Tehsil Didwana, District Nagaur, Rajasthan.
2. Mohd. Ali S/o Asgar Ali, Aged About 23 Years, Nagaur Lab Station Road Borawar, Tehsil Makarana, District Nagaur, Rajasthan.
3. Mranalika Singh (Miss) D/o Shri Sunil Chauhan, Aged About 21 Years, Village Molasar Tehsil Didwana, District Nagaur, Rajasthan.
4. Mukesh Borana S/o Babu Lal Borana, Aged About 21 Years, New Teliwara Kisan Chatrawas, Nagaur, Rajasthan.
5. Munsaf Khan S/o Mumtaj Khan, Aged About 20 Years, Ward No. 06, Bada Bas, Tehsil Ladnun, District Nagaur, Rajasthan, Rajasthan.
6. Navin Borana S/o Amarchad Borana, Aged About 21 Years, Naya Teli Wada, Nagaur, Rajasthan.
7. Parmveer Singh S/o Sugna Ram, Aged About 19 Years, Koliya, Tehsil Didwana, District Nagaur, Rajasthan.
8. Pankaj Sharma S/o Chatur Bhuj Sharma, Aged About 33 Years, Mali Mohalla, Sarana, Ajmer, Rajasthan.



9. Raghuveer Singh S/o Devi Singh, Aged About 29 Years, Garh Ke Pass, Tehsil Aajdoli, District Nagaur, Rajasthan.
10. Rahul Bhati S/o Sukhdev Bhati, Aged About 20 Years, Teliwara, Tehsil Didwana, District Nagaur, Rajasthan.
11. Rahul Bhati S/o Pusa Ram Bhati, Aged About 21 Years, Bhati Bass, Tehsil Didwana, District Nagaur, Rajasthan.
12. Rahul Kanwant S/o Kaluram Meena, Aged About 20 Years, Railway Station Road, Tehsil Didwana, District Nagaur, Rajasthan.
13. Rakesh Punia S/o Basti Ram, Aged About 23 Years, Ward No. 22, Near Gona Ji Mandir, Khandaras Badi Khatu, Tehsil Jayal, District Nagaur, Rajasthan.
14. Ram Kailash S/o Om Prakash, Aged About 33 Years, Vpo Dehru Tehsil Didwana, District Nagaur, Rajasthan.
15. Renuka Soni (Miss) D/o Manoj Soni, Aged About 22 Years, Churo Ka Mahalla, Tehsil Merta, District Nagaur, Rajasthan.
16. Sadab S/o Mohammed Nasir, Aged About 20 Years, Marwar Baliya, Tehsil Didwana, District Nagaur, Rajasthan.
17. Sahnaj Bano (Miss) D/o Abdul Kayum, Aged About 21 Years, Out Side Deenderwaja, Tehsil Didwana, District Nagaur, Rajasthan.
18. Sajid Khan S/o Umar Khan, Aged About 223 Years, Bharat Hospital, Sujangarh, Tehsil Ladnu, District Nagaur, Rajasthan.
19. Saloni Sharma (Miss) D/o Ramawatar Sharma, Aged About 19 Years, Hanuman Chok Mandir Ke Pichhe, Tehsil Jayal, District Nagaur, Rajasthan.
20. Sameer Khan S/o Hanif Khan, Aged About 19 Years, Kayam Nagar, Gali No. 07, Tehsil Didwana, District Nagaur, Rajasthan.
21. Samir Khan S/o Anwar Mohammed, Aged About 19 Years, Ward No. 8, Aathuna Mohalla, Tehsil Rajgarh Churu, Rajasthan.
22. Sanjeev Prajapat S/o Hajari Lal Prajapat, Aged About 20 Years, Amarpura, Anthawala, Sehpura, Jaipur, Rajasthan.





23. Shivam Sharma S/o Subhash Chand Sharma, Aged About 27 Years, Ward No. 4, Choudhary Mohalla Kanwat, Sikar, Rajasthan.
24. Shivraj Ogra S/o Shivkarna Ram, Aged About 26 Years, Khunkhuna, Tehsil Didwana, District Nagaur, Rajasthan.
25. Shreechand Jangid S/o Dhanpat Jangid, Aged About 20 Years, Daulatpura, Tehsil Didwana, District Nagaur, Rajasthan.
26. Sunil Buriya S/o Pema Ram, Aged About 19 Years, Berwa Moulasar, Tehsil Didwana, District Nagaur, Rajasthan.
27. Suraj Singh S/o Dashrath Singh, Aged About 24 Years, Dayalpura, Tehsil Didwana, District Nagaur, Rajasthan.
28. Taheer Husain Gauri S/o Abdul Munshi, Aged About 21 Years, Katla Bas, Tehsil Didwana, District Nagaur, Rajasthan.
29. Umrav Saini S/o Lala Ram Saini, Aged About 27 Years, Plot No. 15, Ganesh Nagar, Nadi Ka Phatak, Murlipura, Jaipur, Rajasthan.
30. Vandana Khetawat (Miss) D/o Ashok Kumar, Aged About 24 Years, Dhankoli, Tehsil Didwana, District Nagaur, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Pharmacy Council Of India, Through Its Registrar Cum Secretary, Office At Nbcc Centre, 3Rd Floor, Plot No. 2, Community Centre, Maa Anandamai Marg, Okhla Phase 1, New Delhi - 110020
3. Rajasthan University Of Health And Science, Through Its Registrar, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan.
4. Shri Sawai College Of Pharmacy, Deedwana, District Nagaur Run And Managed By The Society Shri Sawai Shikshan Avam Prashikshan Va Shodh Santhan, Deedwana, District Nagaur Through Its Secretary,



Gorakh Singh S/o Late Sawai Singh Aged 43 Years, R/o
Near Panchmukhi Balaji Mandir, Gadha Baas, Deedwana,
District Nagaur, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. CS Kotwani
Mr. Yash Rajpurohit
For Respondent(s) : Mr. Rajesh Poonia
Mr. NS Rajpurohit, AAG assisted by
Ms. Ruchi Parihar
Mr. Pankaj Sharma

JUSTICE DINESH MEHTA

Order

02/08/2024

S.B. Civil Writ Petition No.5599/2021:-

1. The matter comes up for consideration of an application dated 13.02.2024, whereby the petitioner has prayed that the respondent-University be directed to declare result of the students (60), who have been given admission during the pendency of the present writ petition, more particularly, in pursuance of interim order dated 05.04.2021, passed by Co-ordinate Bench of this Court.

2. Mr. Kotwani, learned counsel for the petitioner submitted that the Pharmacy Council of India (hereinafter referred to as 'the Council') had given approval for the year 2019-2020 to commence first year of 'D' Pharma Course for 60 students whereafter, the petitioner which had applied for affiliation started pursuing the Rajasthan University of Health Sciences (hereinafter referred to as 'RUHS or the University') for granting affiliation, so that it can get final approval of the Council.



3. Before the academic session 2020-2021 began, the Council conducted an inspection on 24.02.2020 and in furtherance thereof issued a show cause notice dated 31.08.2020 interalia observing that the petitioner had not submitted consent of affiliation by the Examining Authority (RUHS) and staff was not available as per the applicable Regulations. The petitioner was asked to respond and meet out the deficiencies failing which it was observed that the approval granted to it would be withdrawn.

4. The petitioner has set up a case that as the petitioner did not give any admission in the year 2019-2020 and the inspection was held in the month of February 2020, the requisite teaching staff was not found during inspection, but on the advent of Covid-19, all the sessions got delayed and then the staff had been recruited, requisite inspection fee and affiliation fee had been deposited. According to the petitioner, when the counseling for the year 2020-2021 began, the petitioner was not allowed to take part and hence, instant writ petition came to be filed.

5. Mr. Kotwani, contended that since, the petitioner was having approval of the Council (may be for the year 2019-2020) and consent by the respondent-University, it had preferred the writ petition under anticipation that the Council will give requisite approval, as no final order had been passed in pursuance of show cause notice dated 31.08.2020 and the petitioner had removed/cured all the discrepancies.

6. In the writ petition so filed by the petitioner, on 05.04.2021 a Co-ordinate Bench of this Court was pleased to pass the following order:-



"In wake of onslaught of COVID-19, abundant caution is being taken while hearing the matters in Court.

Learned counsel for the petitioner submits that through Annex-10, RUHS has given affiliation to the petitioner-College. He has also pointed out through Annex-3 that Pharmacy Council of India, the recognition has been given to the petitioner-College for D.Pharma course. He further submits that despite the affiliation and the recognition, the respondents are not included the petitioner-College in the counseling for no good reason.

Issue notice.

Mr. Pankaj Sharma, AAG accepts notice on behalf of the respondent No.1.

Mr. Mukesh Rajpurohit, ASG accepts notice on behalf of respondent No.2.

Mr. Rajesh Punia, learned counsel accepts notice on behalf of respondent No.3.

They seek some time to complete their instructions.

List on 22.04.2021.

In the meanwhile, the petitioner-College shall be provisionally permitted to participate in the ongoing counseling for D.Pharma course for the academic year 2020-2021. However, the result of the counseling shall not be finalized qua the college in question without prior permission of this Court."

7. Mr. Kotwani, learned counsel for the petitioner submitted that by the time the interim order came to be passed (on





05.04.2021), the counseling was already over and therefore, the petitioner-College gave admission to the students from management quota, at their own.

8. Learned counsel for the petitioner submitted that except for the year 2020-2021, the petitioner-College did not give admission to any student until it got approval/affiliation by the respective institutions in the year 2023-2024.

9. Learned counsel for the petitioner submitted that the petitioner-College had given admission to 60 students treating the interim order to be a permission to grant admission and since, the Council and RUHS have given approval/affiliation may be subsequently, it is clear that the petitioner-College was fulfilling all the criteria.

10. He argued that it was only because of the technical reasons, the Council had issued a show cause notice. He submitted that even the discrepancies pointed by the Council vide its notice dated 31.08.2020 (Annexure-7) had been appropriately addressed.

11. Mr. Kotwani, learned counsel for the petitioner also submitted that during period 2019-2020 till 2023-2024, the petitioner has been paying applicable inspection fees so also affiliation fees to the respondent-University.

12. He prayed that the respondent-University be directed to declare the result of the students who have completed two years' course during the pendency of the present writ petition, on account of interim order passed in their favour.

13. Mr. Punia, learned counsel appearing for the University opposed the petitioner's prayer and submitted that interim order



dated 05.04.2021 passed by this Court was only in relation to petitioner's participation in the counseling and since, the counseling was already over, the petitioner should have either got clarification from this Court or should not have admitted the students, at all.

14. He asserted that when the petitioner did not have affiliation for want of approval by the Council, it could not have given admission to the students.

15. Learned counsel appearing for the Council was not in a position to satisfy the Court as to whether the approval granted to the petitioner on 15.06.2019 was either withdrawn. He however, submitted that as the petitioner could not properly satisfy the Council in pursuance of notice dated 31.08.2020, the approval granted to the petitioner-College should be deemed to have been canceled. He argued that the stand of the respondent-University is correct that the petitioner should not have given admission to the students.

16. Heard learned counsel for the parties and perused the record.

17. It is clear from the record that the approval which the Council had granted to the petitioner on 15.06.2019 was not revoked or withdrawn and only a show cause notice was issued by the Pharmacy Council of India to the petitioner-College.

18. According to the petitioner it has cured the discrepancies pointed by the Council by its notice dated 31.08.2020.

19. But, the approval granted by the Council was for academic year 2019-2020, whereas the petitioner gave admission to the



students in academic year 2020-2021, for which there was no valid approval by the Council.

20. Be that as it may. A Co-ordinate Bench of this Court considering the petitioner's case worth indulgence had granted the aforesaid interim order.

21. True it is, that going by the tenor and spirit of the interim order, the petitioner could only take part in the counseling and it could not give admission at its own accord. The admissions given by the petitioner-College were, therefore, irregular.

22. But then, having regard to the fact that 60 students bonafidely got admission, paid fees and spent their two years, under the impression that the petitioner is entitled to admit the students, this Court feels that if this writ petition is dismissed, it would serve no cause. In any case, dismissal of writ petition would impact future of these 60 students for none of their fault.

23. For the reasons aforesaid and in the interest of justice, this Court deems it expedient to direct the respondent-University to declare the result of the students who have been given admission and taught by the petitioner-College.

24. As a cost of giving irregular admission, the petitioner-College shall pay a sum of Rs.15 Lakhs to the respondent-University, which the respondent-University shall spend for the library of the students.

25. The petitioner-College shall have to deposit the cost of Rs.15 Lakhs by 31.08.2024 and the result of the students shall be declared only after the aforesaid cost has been deposited by the petitioner-College.



26. It will be required of the Registrar of University to keep a separate account of the amount deposited by the petitioner-College and spend the amount as and when required.

27. Needless to observe that henceforth the petitioner shall not give admission to the students, without there being due approval by the Pharmacy Council of India and affiliation by the respondent-University.

28. The writ petition so also all the interlocutory applications including stay application stand disposed of.

S.B. Civil Writ Petition Nos. 15101/2022 and 17749/2022:-

1. These two petitions have been filed by the students, who were granted admissions in 'D' Pharma Course for academic year 2020-2021 by Shri Sawai College (petitioner in S.B. Civil Writ Petition No.5599/2021).

2. In view of the above order passed in S.B. Civil Writ Petition No.5599/2021, S.B Civil Writ Petition Nos.15101/2022 and 17749/2022 stand disposed of, as no separate order is required.

3. Stay applications also stand disposed of accordingly.

(DINESH MEHTA),J

291-raksha/-