

**Court No. - 2**

**Case :-** WRIT - C No. - 11481 of 2024

**Petitioner :-** Babu Durga Rai Pharmacy Collage Azamgarh Thru. Its Manager  
Shaket Rai

**Respondent :-** State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Technical  
Education Lko. And 3 Others

**Counsel for Petitioner :-** Sunil Kumar Singh, Ankit Kumar Kaushal

**Counsel for Respondent :-** C.S.C., D.K. Singh Chauhan, Ravi Singh

**Hon'ble Rajan Roy, J.**

This petition has been taken up during winter vacation under the orders of Hon'ble the Chief Justice on account of the urgency shown by the petitioner.

Heard Mr. Sunil Kumar Singh, learned counsel for the petitioner, Mr. Rahul Shukla, learned Additional Chief Standing Counsel for the opposite parties no. 1 and 2, Mr. Ravi Singh, learned counsel for the opposite party no. 3 and Mr. D.K. Singh Chauhan, learned counsel for the opposite party no. 4.

By means of this petition the petitioner which imparts education in D-Pharma course has sought quashing of an order dated 27.12.2024 (Annexure-1) which has been passed by the opposite party no. 3 i.e. Pharmacy Council of India. Consequential relief regarding the petitioner being allowed to take admission in D-Pharma course tentatively and also seeking a direction to the opposite party no. 2 to include the petitioner's name in the third round of counselling for D-Pharma course for the academic session 2024-25 have been sought.

Annexure-1 is the impugned decision according to which 10.12.2024 was the last date for hearing of appeals against denial of approval for D-Pharma course for the academic session 2024-25. This cut off date has been fixed by Hon'ble the Supreme Court of India vide order dated 18.11.2024. Counsel for opposite party no. 4, Mr. D.K. Singh Chauhan has placed before the Court the order dated 18.11.2024 passed in ***Miscellaneous Application No. 2296/2024 in C.A. No. 9048/2012*** (arising out of final judgment and order dated 17.04.2014

in C.A. No. 9048/2012 passed by the Supreme Court of India).

The impugned order says that as per Supreme Court directives the applications received after 10.12.2024 cannot be processed for the academic year 2024-25 unless specific prior permission is granted by Hon'ble the Supreme Court of India. The impugned order further says that the order dated 13.12.2024 passed by the Hon'ble the Supreme Court of India in ***Misc. Application No. 55173 of 2024 (Parshavanath Charitable Trust & Anr vs. All India Council for Technical Education & Ors.)*** was issued under specific circumstances and only after the Court's direction qua the applicant institution. The claim of petitioner-institution has accordingly been denied, especially as, the order of Hon'ble the Supreme Court of India dated 20.12.2024 applied exclusively to the institutions that were parties to the case before the Supreme Court of India at that time which the petitioner was not. Accordingly, the application of the petitioner has been considered and disposed of in terms of the order dated 19.12.2024 passed by this Court in earlier writ petition filed by the petitioner bearing Writ C No. 11186 of 2024.

Learned counsel for the opposite parties has informed that the third round of counselling for the aforesaid course for the academic year 2024-25 has been completed on 28.12.2024 and the fourth round is to take place today.

On being confronted with the aforesaid situation, counsel for the petitioner reconciled to this fate.

I see no error in the impugned order. Considering the time line prescribed by Hon'ble the Supreme Court of India, there is no ground for interference under Article 226 of the Constitution of India.

The writ petition is ***dismissed***.

[Rajan Roy, J.]

Order Date :- 31.12.2024

Santosh/-