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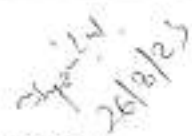
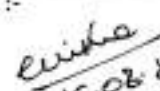
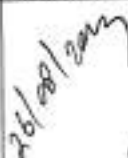
HIGH COURT OF JUDICATURE AT ALLAHABAD

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Computerized Copying Section, High Court of Judicature at Allahabad,
 Lucknow Bench

Requisition Information							Date of Judgment/Order		Court Fee	No. of Pages
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order		Court Fee	No. of Pages	
79101 of 2023	26.8.2023	WRJC	7438	2023	Lucknow	25.8.2023		15.0	2	

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Code No. :

Group :

District :

**In the Hon'ble Court of Judicature at Allahabad
Lucknow Bench, Lucknow**

Writ-C No. of 2023

1. R.N.S. College of Pharmacy, Purshottampur, Chauri Bazar, district Bhadohi through its Manager Pankaj Kumar Singh, aged about 46 years, son of Awadh Narayan Singh, resident of D65/422 A7, Manik Nagar Colony, Lahartara Baulia, district Varanasi.
2. S.D. College of Education and Medical Science, Village Goverdhanpur, Post Office Kawahi, Anjanpur, Ambedkar Nagar through its Manager Sunil Kumar Son of Banwari, resident of 114, Imamuddinpur, Post Office Sutharpara, district Ambedkarnagar
3. Sri Tej Singh Gajadhar College of Department of Pharmacy, Jaithara, Aliganj, Etah through its Secretary, Uday Veer Singh, son of Tej Singh, resident of G.T. Purani Lahsun Mandi, Etah.
4. Sri Sardar Singh Smarak Pharmacy College, Nagla Batul, Aligarh through its Secretary Hundi Lal son of Sri Sardar Singh, resident of Nagala, Batul, district Aligarh
5. Sri Bharat Singh Kamla Devi Pharmacy College Raipur Khas, Atrauli, Aligarh through its Secretary Meera yadav wife of Prem Singh, resident of village and post office Raipur Khas, Rampur Chandiyana, Aligarh
6. Kamlanchal college of Pharmacy, G.K. Rasta, Maigalganj, Khiri through its Manager Manoj Kumar Mishra, son of Harihar Mishra, resident of 171/06, Damodar Nagar, Kanpur
7. Ramesh Chandra Kala Devi Colege of Technology and Management, Jawra Road, Mant, Mathura through its Manager Hari Om Agarwal son of Sri Ramesh Chandra Agarwal, resident of Manas nagar, Maholi Road, Mathura.
8. M.M. College of Pharmacy, Pratappur Chamurkha, Bankathwa, Katehari, Ambedkar Nagar through its Manager Vijay Yadav,

son of Abhay Raj Yadav, resident of Pratappur, Chamurkha, Bankathwa, Katchari, Ambedkarnagar,

9. Nova Pharmacy college, Village Deupur, Kaptanganj, Tehsil Budhanpur, district Azamgarh through its Manager Arvind Kumar Singh, son of Sri Ram Pyare Singh, resident of 3/1A, 28-1 A Vishwanathpuri Colony, Basahi Tarana, District Varanasi
10. Maa Sringari Devi college of Pharmacy, Village Ekdandi, Tehsil Budhanpur, district Azamgarh through its Manager Bibhav Kumar Yadav, son of BRijendra Kumar Yadav, resident of village Sikhula, Post Office Koyalsa, district Azamgarh
11. K.K. L.K. college of Pharmacy, Kathara, Kanpur Nagar through its Manager Satish Kumar shukla son of Sri Laxmi Kant Shukla, resident of 260, HIG Ratan Lal Nagar, Kanpur Nagar.
12. Navyug Mahavidyalaya village Ratanpur Bari, Kunda Bhairopur, district Sultanpur through its Manger Raj Prasad son of Sri Ish Narayan Upadhyay, resident of village Ratanpur Bari, Kumda Bhairopur, district Sultanpur
13. Pandit Satya Narayan Dwivedi College of Pharmacy, village Badhauri, Tehsil Kadipur district sultanpur through its Manager Shakuntala Dubey wife of Rama Shankar Dubey, resident of 120 Shakuntala Multi Speciality Hospital, Trivenipuram, Indian Oil Marg, Jhunshi, Prayagraj
14. HBH College of Pharmacy, Nandera Ved, Begampur Saharanpur through its Manager Wazid Ali, son of Bundu Hasan, resident of village Haroda, Gagalheri, Saharanpur.
15. Ram Shree Mahavidyalaya, Kasganj through its Manager Manendra Kumar son of Sohan Pal Singh, resident of Sidhauri Post Office Kaliyanpur, district Aligarh
16. Manorama Institute of Educational (faculty of Pharmacy) Mukharana, Etah through its Secretary Bhanu Khan son of Ram Bux, resident of Nidhauri Kalan, district Etah.
17. Vidya Deep Pharmacy College, Bilaspur, Kheda Mogal, Saharanpur through its Manager Deepak Kumar son of Sri Satya Pal Singh, resident of Raitangala, Muzaffar Nagar
18. S.K.R. Pharmacy College, Village Sonikpur, Post Sonikpur, district Jaunpur through its Manager Jyoti Singh wife of Sanjay Singh, resident of Gajdharpur, Jaunpur.
19. Maa Sharda College of Pharmacy, Sultanpur through its Manager Smt. Malti Singh, wife of Sri Keshav Pratap Singh, resident of village and post Office Pakarpur, district Sultanpur.
20. Thakur Satya Narayan Institute of Pharmacy, Village Bariauna.

Post Office Bariauna, Tehsil Baldirai, District Sultanpur through its Shyam Prakash Singh Son of Sri Chandra Pratap Singh, Resident of 234, Bhairampur, Bariauna, District Sultanpur.

21. Sneh College of Pharmacy, Ambaur, Pratapganj, Nawabganj, Barabanki through its Chairman Neeraj Srivastava Son of Bipin Bihari Lal, Resident of A 749, Indira Nagar, Lucknow.
22. Sri Shyam Das Baba Pharmacy College, Guheta Saat Bisa, Chhata, Mathura through its Manager Chaturbhuj Sharma Son of Sri Natthi Lal, Resident of Village Guheta, Saat Bisha, Tehsil Chhata, Mathura.
23. Gul Gautam College of Pharmacy, Bodla, Agra through its Secretary Sunil Kumar Son of Ramesh Chandra, 38 A Krishna Bagh, Awadhपुरi, Shahganj, Agra
24. J.B.S. College of Pharmacy, Jaisinghau, Post Office Tarun Bazar, district Ayodhya through its Manager Bharat Singh, son of Ram Dular Singh, resident of 39-A, New Babaganj, Makanduganj, district Pratapgarh
25. R K Institute of Medical Sciences, Village & Post Office Maheshpur, District Azamgarh through its Manager Rakesh Kumar Yadav, Son of Moti Lal Yadav, Resident of Devra Kadeem, Mahrajganj, Azamgarh
26. Sri Prakash College of Pharmacy, Chhatarpur, Post Ahirauli, District Azamgarh through its Manager, Vinod Rama Rai Son of Rama Rai, Resident of E Wing, Kadiwali East Mumbai
27. Triloki Singh Memorial Institute of Medical Sciences, Village & Post office Ratuwapar, District Azamgarh through its Manager Chandra Shekhar Singh Son of Sri Triloki Nath Singh, Resident of Ratuwapar, Govindpur, Azamgarh
28. Jai Maa Durgé Dharmawati Mahavidyalaya, Kalyan Bhadrasi, District Ayodhya through its Manager, Ram Sahay Yadav Son of Late Badlu, Resident of 255, Allahabad Road, Near Stadium, Dabhasemar, Ayodhya
29. Radha Krishna Institute of Pharmacy, Talheri Bujurg, Saharanpur through its Manager Ramesh Singh Son of Khila, Resident of 468, Talhedi Bujurg, Saharanpur
30. V N B P College of Pharmacy Village & Post Office Mahrajganj, Gorakhpur through its Manager Gulab Chandra Yadav Son of Vishwa Nath Prasad Yadav, 723 Rajendra Nagar East, Gorakhpur.
31. Prakash College of Pharmacy, Chak Halal, Jafarpur, Sadar, District Azamgarh through its Manager, Deo Prakash Rai Son of Balbhadra Rai, Resident of Village Jalalpur, Post Office Sursi,

District Azamgarh.

32. Samarpan Pharmacy College Jagdishpur, Sohauri, District Azamgarh through its Manager Lal Dhar Pathak Son of Late Adya Prasad Pathak, Resident of Village Rasoolpur Tungi, Post Office Dubra, District Azamgarh.
33. Anupama Rai Memorial College of Pharmacy Village Harairampur, Post Office Chirkihit, District Azamgarh through its Secretary Amit Rai Son of Arvind Rai, Resident of Village Harairampur, Post Office Chirkihit, District Azamgarh.
34. Ultra Modern College of Pharmacy , Meh Nagar, Azamgarh through its Chairman Hari Lal Yadav Son of Late Ram Raj Yadav , Resident of Village Mustafabad, Post Dewait, Meh Nagar, District Azamgarh.

..... Petitioners

Versus

1. State of U.P. through its Additional Chief Secretary, Department of Technical Education, Government of U.P., Civil Secretariat, Lucknow
2. Uttar Pradesh Board of Technical Education, Guru Govind Singh Marg, Lucknow
3. Pharmacy Council of India, New Delhi through its Secretary

..... Opposite Parties

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.**

Before;

Hon'ble the Chief Justice and his Lordship's
Companion Judges of the aforesaid court.

The petitioners, above named, most respectfully submit as under:-

1. That the petitioners, on the same set of facts, have not filed any other writ petition before this Hon'ble Court, either at Allahabad or at Lucknow by challenging the order dated 17.05.2023 and order dated 22.05.2023 and this is the first writ petition in that regard before this Hon'ble Court on behalf of the petitioners against the aforesaid impugned orders.

Court No. - 8

Case :- WRIT - C No. - 7438 of 2023

Petitioner :- R.N.S. College Of Pharmacy Purshottampur, Bhadohi Thru. Its Manager Pankaj Kumar Singh And 33 Others

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Of Technical Education, Lko. And 2 Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C., Ravi Singh

Hon'ble Pankaj Bhatia, J.

1. On a mention being made before this Court arguing that the issue will render infructuous on 30.08.2023, the matter was called out of turn.

2. Considering the fact that a similar issue is engaging attention of this Court in Writ - C No.7191 of 2023 wherein an interim order was passed on 22.08.2023, which is as follows:

"1. The present petition has been filed by the petitioner with the following reliefs:

"(i) To issue a writ, order or direction in the nature of CERTIORARI thereby quashing the impugned order dated 18.05.2023 passed by the Opposite Party No. 2 contained as Annexure No. 1 to the Writ Petition as well as the impugned order dated 17.05.2023 passed by the Opposite Party No. 1 and impugned order dated 22.05.2023 passed by the Opposite Party No. 2 so far it relate to the Petitioner, contained as Annexure No. 2 and 3 respectively to this Writ Petition.

(ii) To issue a writ, order or direction in the nature of MANDAMUS commanding the Opposite Parties specially the Opposite Party No. 3 not to give effect the operation and implementation of the impugned orders i.e. the impugned order dated 18.05.2023 passed by the Opposite Party No. 2 contained as Annexure No. 1 to the Writ Petition as well as the impugned order dated 17.05.2023 passed by the Opposite Party No. 1 and impugned order dated 22.05.2023 passed by the Opposite Party No. 2 so far it relate to the Petitioner, contained as Annexure No. 2 and 3 respectively to this Writ Petition.

(iii) To issue a writ, order or direction in the nature of MANDAMUS commanding the Opposite Parties not to interfere in the functioning of the Petitioner institution and further allow the Petitioner institution to run the D. Pharm course for the education session 2023-24."

2. The contention of the Counsel for the petitioner is that the last date of completion of the approval for the existing pharmacy institution is 30.08.2023, however, despite the petitioner having requisite qualification his case has not been considered merely on account of the directions given by the State Government in its order dated 22.05.2023 (Annexure-3 to the writ petition) whereby, general guidelines have been issued in respect of

the institutions for which NOC has been rejected, a request was made to PCI not to grant any approval to the said institution.

3. The submission of the Counsel for the petitioner is that is that the approval has to be granted by the PCI in accordance with law and on the institutions fulfilling the requisite details, general directions, which have been issued by the State Government, are without jurisdiction and amount to interference in the working of the PCI, which is bound to act in accordance with law and has to take a decision on the basis of material before it. He further argues that the name of the petitioner institution finds place at sl. no.385 appended along with the letter dated 22.05.2023.

4. As regards the NOC rejected by the State Government, it is to be noticed that the said rejection of the NOC came up for challenge before this Court by various petitioners, in whose respect the NOC was rejected, and this Court vide order dated 06.07.2023 has stayed the operation of the order dated 18.05.2023 as well as the order dated 17.05.2023 (Annexures No.1 and 2). The said order shall remain stayed in respect of the petitioner also.

5. Considering the fact that the last date for grant/ rejection of approval for the pharmacy institutions is only upto 30.08.2023, it is directed that the Pharmacy Council of India, the respondent no.3 shall take a decision on the application of the petitioner strictly in accordance with law without being influenced by the directions given by the State government in its order dated 22.05.2023 (Annexure-3 to the writ petition).

6. The respondent no.3 shall take decision positively on or before 28.08.2023. The decision taken by the respondent no.3 shall be communicated to the petitioner on the E-mail.

7. This order has been passed in the presence of Sri Ravi Singh, learned Counsel appearing on behalf of the respondent no.3.

8. Connect and list this case along with Writ-C No.4953 of 2023."

3. Considering the issue being similar, it is directed that the interim directions given in the order dated 22.08.2023 passed in Writ - C No.7191 of 2023 shall apply in the case of the present petitioners also.

4. Connect and list this case alongwith Writ - C No.4953 of 2023.

Order Date :- 25.8.2023

nishant

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evisha
26-08-2023
Section Officer
Computerized Copying Centre
High Court, Lucknow Bench
Lucknow