

2025 LiveLaw (SC) 621

IN THE SUPREME COURT OF INDIA

B.R. GAVAI; J., AUGUSTINE GEORGE MASI; J.

WRIT PETITION(S)(CIVIL) NO(S). 24/2025; 09-05-2025

SHREE RAM COLLEGE OF PHARMACY *versus* PHARMACY COUNCIL OF INDIA

Natural Justice - Pharmacy Education - Arbitrary Rejection of Approvals by Pharmacy Council of India (PCI) - Held, statutory bodies must comply with principles of natural justice and non-arbitrariness. Approvals cannot be rejected without conducting inspections or providing an opportunity to rectify deficiencies. PCI's arbitrary actions lead to increased litigation. The Court directed the Registrar to forward the order to the Ministry of Health and Family Welfare to curb such litigation, emphasizing that arbitrary rejections harm students' careers. PCI's rejection orders set aside. (Para 3, 5 & 7)

For Petitioner(s): Mr. Tushar Mehta, Solicitor General Mr. Ajay Kumar Singh, AOR Mr. Yatharth Singh, Adv. Mr. Divesh Kumar, Adv. Ms. Mauli Shree Pathak, Adv. Mr. Harish Pandey, Adv. Mr. Devadutt Kamat, Sr. Adv. Mr. Sanjay Sharawat, Sr. Adv. Mr. Ravi Kant, Adv. Mr. Chandrashekhar Singh, Adv. Mr. Hruday Bajentri, Adv. Mr. Chandra Prakash, AOR Mr. Mayank Manish, Adv. Mr. Vivek Singh, Adv. Mr. Vineet Upadhyay, Adv. Mr. C.p. Rajwar, Adv. Mr. Sanjay Sharawat, Sr. Adv. Mr. Rajeev Kumar Bansal, AOR Mr. Ayush Anand, Adv. Mrs. Shefali Jain, Adv. Mr. Avnish Tiwari, Adv. Mr. Madan Lal Daga, Adv. Mr. Arun Kumar Arunachal, Adv. Mr. Manish Das, Adv. Mr. Brijesh Kumar Yadav, Adv. Mr. Bhagabati Prasad Padhy, AOR Mr. Bhagabati Prasad Padhy, Adv. Mr. Achintya Dvivedi, Adv. Mr. Binod Kumar Behera, Adv. Mr. Sanjay Sharawat, Sr. Adv. Mr. Chandra Prakash, AOR Mr. Ravi Kant, Adv. Mr. Mayank Manish, Adv. Mr. Vineet Upadhyay, Adv.

For Respondent(s) : Mr. Neeraj Jain, Sr. Adv. Mr. Sahil A Garg Narwana, Adv. Mr. Amrendra Kumar Mehta, AOR Mr. Honey Gola, Adv. Mr. Kapil Gaba, Adv. Mr. Shourya Godara, Adv. Mr. Tushar Mehta, Solicitor General Mr. Ajay Kumar Singh, AOR Mr. Yatharth Singh, Adv. Mr. Divesh Kumar, Adv. Ms. Mauli Shree Pathak, Adv.

ORDER

WRIT PETITION(S)(CIVIL) NO(S). 24/2025

1. This petition deserves to be allowed on the short ground that the permission for extension of D.Pharm course was granted to the petitioner vide communication dated 28.09.2024. The said communication shows that the extension of approval is granted subject to inspection throughout the year. It also refers to the 413th EC held on 22.08.2024. However, within a period of two and a half months an order is passed on 09.12.2024, thereby rejecting the approval granted to the petitioner on the ground that the institution has not submitted its satisfactory compliance regarding various factors.

2. When the decision of the EC dated 22.08.2024, as communicated on 28.09.2024, specifically provided that the extension of approval is granted subject to inspection throughout the year then, before rejecting the same vide order dated 09.12.2024, the respondents ought to have conducted an inspection and given an opportunity to the petitioner to rectify any lacunae found.

3. We find that the respondent/Pharmacy Council of India has acted in an arbitrary manner and therefore the decision dated 09.12.2024 is liable to be set aside.

4. Accordingly, the order dated 09.12.2024 is quashed set aside and the writ petition is partly allowed.

5. No doubt that the respondent in its affidavit has shown a charitable attitude by stating that in view of the admission granted to 46 students on the basis of the order dated 28.09.2024, the approval is regularized for the Academic Year 2024-2025. However, when

an action of a statutory body is likely to affect the careers of large number of students, such bodies are expected to act in a manner which is in consonance with the principles of natural justice and non-arbitrariness.

WRIT PETITION(S)(CIVIL) NO(S). 95/2025 (44.3)

1. This is another classic example as to how the respondent/Pharmacy Council of India acts in a totally arbitrary manner.

2. The petitioner was granted approval vide communication dated 30.11.2023 for the Academic Year 2023-24 with an intake capacity of 60 students.

3. Subsequently, vide communication dated 10.09.2024, the approval was extended for the Academic Year 2024-25. The said communication shows that the extension of approval was subject to inspection throughout the year.

4. In pursuance thereto, an inspection was carried out and the inspection report dated 30.09.2024 has been placed on record. It will be relevant to refer to the following remarks in the inspection report:-

“We have inspected Institute of Pharmacy Monad University and found physical infrastructure and facilities as per the norms of PCI.”

5. Subsequent thereto an order was passed by the respondent on 21.10.2024, thereby rejecting the approval granted to the petitioner/institution.

6. A perusal of the communication dated 10.09.2024, is clear that the approval was granted subject to the inspection to be carried out throughout the year. Subsequent thereto, in fact an inspection had been carried out and the report dated 30.09.2024 is placed on record. In the said inspection report no deficiencies have been pointed out. However, in the order dated 21.10.2024, which is pursuant to the inspection report carried out on 30.09.2024, approval is rejected on the ground that there are deficiencies.

7. It is, thus, clear that either the inspection report is not correct, or the Council has not applied its mind to the inspection report. As already observed by us in the matter of even date, we have observed that the respondent/Pharmacy Council of India cannot act in an arbitrary manner when such an action adversely affects the careers of thousands of students.

8. In that view of the matter, order dated 21.10.2024 is quashed and set aside and the writ petition is partly allowed.

W.P.(C) NO.167/2025 (44.8)

1. We are not inclined to entertain this petition. The writ petition is, accordingly, dismissed.

2. Pending application(s), if any, shall stand disposed of.

W.P.(C) NO.184/2025 (44.9)

1. We are not inclined to entertain this petition. The writ petition is, accordingly, dismissed.

2. Pending application(s), if any, shall stand disposed of.

CONTEMPT PETITION (C) NO. 32/2025 (44.1)

1. Learned counsel appearing for the petitioner does not press the petition, he only requests that the statutory requirement of No Objection Certificate (NOC) which was

granted by the concerned affiliating university for the preceding Academic Year be directed to be considered as valid for the ensuing Academic Year.

2. We direct the Pharmacy Council of India to consider the said NOC granted by the University for the last Academic Year to be considered for the present Academic Year.

3. The petition is, accordingly, disposed of.

SLP(C) No.1048/2025 (44.2)

1. The petition challenges the order dated 20.12.2024 passed by the learned Division Bench of the High Court of Orissa at Cuttack in W.P. (C) No.29731 of 2024 whereby the petition filed by the present petitioner was disposed of.

2. It is the case of the petitioner that though the petitioner had all the requisite permissions and approvals for starting the D.Pharm Course, on account of delay by the Pharmacy Council of India in deciding its case, the petitioner had to lose one Academic Year.

3. A perusal of the impugned order would reveal that the contentions of the petitioner appears to be justified.

4. In paragraph 6 of the order of the High Court, the learned Division Bench of the High Court has clearly observed that due to an oversight, the letter of inspection issued by the Odisha State Board of Pharmacy could not be placed before the Pharmacy Council of India. The Court has specifically accepted the submission of the petitioner that admittedly it was because of an oversight at the end of the Pharmacy Council of India, the petitioner's case for approval could not be considered.

5. However, the High Court declined to give relief to the petitioner in view of the orders dated 18.11.2024 passed by this Court.

6. In that view of the matter, we direct the Pharmacy Council of India to consider the application of the petitioner for the

Academic Year 2025-26, treating the requisite permissions and approvals granted for the Academic Year 2024-25 to be valid for the present year.

7. The petition is, accordingly, disposed of.

W.P.(C) NO.102/2025 & W.P.(C) NO.100/2025 (44.4 & 44.6)

1. The limited relief sought in the present petitions is that the application(s) for grant of approval submitted by the petitioners is considered prior to the date fixed in the schedule by the Pharmacy Council of India.

2. We find the request to be reasonable.

3. The Pharmacy Council of India is directed to consider the application(s) of the petitioners for grant of approval prior to the date fixed in the schedule fixed by the Pharmacy Council of India.

4. The writ petitions are, accordingly, disposed of.

W.P.(C) NO. 138/2025 (44.7)

1. Learned counsel for the respondent states that the approval has already been granted to the petitioner for the academic session 2025-26.

2. In that view of the matter, the petition has rendered infructuous.

3. The writ petition is, accordingly, disposed of.

W.P.(C) NO.89/2025 (44.5)

1. The facts in the present case are identical with the facts in W.P.(C) No. 24/2025.
2. For the reasons recorded in W.P.(C) No. 24/2025, the order dated 21.10.2024 is quashed and set aside and the writ petition is partly allowed.
3. Looking at the facts in all these matters, which were decided today, we are of the considered opinion that it is high time that such bodies like Pharmacy Council of India, which is supposed to be expert in the field of specialized education, acts with due diligence. It is only on account of total lack of application of mind and exercise of powers in an arbitrary manner that this Court is flooded with petitions after petitions challenging the orders of the Pharmacy Council of India.
4. We, therefore, direct the Registrar concerned of this Court to forward this order to the Secretary, Ministry of Health and Family Welfare, Government of India, to take suitable action to avoid at least such unwarranted litigation in the coming years.

W.P.(C) NOS.468/2025, 443/2025 & 449/2025 (44.11, 44.12 & 44.13)

At the request of the learned counsel for the respondent(s), list on 22.05.2025.

M.A. NO.711 OF 2025 IN C.A.NO.9048/2012 (44.10)

1. Perused the application filed by the applicant(s).
2. The application is allowed, in terms of prayer clause “a” which is extracted below:-
“(a) Grant extension of completion of approval process of the institutions up to August 31st 2025 and appeals/compliances process till September 30th 2025 to the Applicant Pharmacy Council of India for the academic year 2025-2026, and further extend the completion of counselling till October 30th 2025.”

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