

(2002) 04 PAT CK 0028
In the Patna High Court
Case No : C.W.J.C. No. 11743 of 1997

Anjan Sarkar and Another

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 25-04-2002

Acts Referred:

Citation : (2002) 3 PLJR 622

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : P.K. Shahi and Amit Prakash, for the Appellant; Azfar Hassan and Abha Verma, for the State, Uday Chand Prasad and Binod Kumar Sinha for Bihar State Pharmacy Council, for the Respondent

Final Decision : Dismissed

Judgement

1. Apparently, the facts in this petition have been improved upon during the passage of its pendency. Subsequently to its being filed it may have been taken up as a Public Interest Litigation though there is no certification as such. Counsel desires that this petition be treated as a Public Interest Litigation.
2. It is contended that the Petitioners are seeking no relief for themselves but would like the closure of the establishment which may be running Chemists and Durggists shops without pharmacists.
3. This aspect has seen resolution of controversies in matters pending before the other High Courts and affirmation of the judgment by the Supreme Court.
4. If the matter is to be examined then it would reflect upon two Central enactments. These are Drugs and Cosmetics Act, 1940 and Pharmacy Act, 1948. The authorities mentioned in the two enactments are not parties to the writ petition nor has the Union of India been made a party. To issue notice today after almost five years if they were to be made parties would be improper. Simpliciter this matter must rest. In any case it cannot proceed with necessary parties not having been impleaded when the matter was filed.

5. Dismissed.