

(2021) 04 JH CK 0202

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1610 Of 2021

Bishwas Kumar And Anr

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 19-04-2021

Acts Referred:

Citation : (2021) 04 JH CK 0202

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

1. The present case is taken up today through Video conferencing.
2. It has been informed to this Court that in view of the resolution as contained in Reference No. 1165-1201/2021 dated 18.04.2021 passed by the Jharkhand State Bar Council, the learned lawyers of this Court, District Courts, Sub-Divisional Courts, Tribunal and all other Courts in the State of Jharkhand will refrain themselves from all Court works for next seven days in the wake of rapid/uncontrolled spread of Covid-19 pandemic.
3. The present writ petition has been filed for quashing office order as contained in letter no. D. Pharma/382/2021 dated 12.04.2021 (Annexure-6 to the writ petition) issued by the Chairman, Diploma-in-Pharmacy Examination Committee, Department of Health, Medical Education and Family Welfare, Government of Jharkhand (the respondent no. 2) whereby the 2nd year Diploma-in-Pharmacy Examination 2020-(1) for theory papers has been scheduled to be commenced from 19.04.2021 fixing its centre at Doranda College, Doranda, Ranchi.
4. The petitioners are the students of Diploma-in-Pharmacy pursuing the said

course in R.S.Roy College of Pharmacy, Ranishwar, Dumka for the session 2018-20.

5. According to the petitioners, the Diploma-in-Pharmacy course is recognized by the Pharmacy Council of India and the State Government through the Department of Health, Medical Education and Family Welfare is vested with the power to monitor, evaluate and conduct the examination of the said course. Accordingly, the State Government has constituted ""Diploma-in-Pharmacy Examination Committee"" comprising of its Chairman, Member Secretary and other members for conducting the examination of the said course run by the different Para Medical Colleges in the State of Jharkhand including the respondent no. 4. Earlier, the respondent no. 3, vide letter dated 09.02.2021, directed all the Principals/Directors of Diploma-in-Pharmacy Colleges/Institutions of the State of Jharkhand to conduct the theory as well as practical examinations of Diploma-in-Pharmacy course at the home centres of the students pursuing the course with further direction to all the colleges to strictly follow Covid-19 protocol. The admit-cards were also issued to the students including the petitioners for composite examination i.e. for practical as well as theory papers, however, the examination centres were not mentioned in the admit-cards. The students of the respective colleges were however instructed to appear in the practical examination at their home centres. On successful completion of practical examination, the respondents decided to conduct the examination for theory papers. Considering the rapid spread of Covid-19 pandemic, the Health Minister of the Government of Jharkhand as well as the respondent no. 3 requested the respondent no. 2 to conduct the said examination at the respective home centres of the students as would be evident from the D.O. letter dated 24.02.2021 signed by the Health Minister and the respondent no. 3 (Annexure-3 to the writ petition).

6. Grievance of the petitioners is that despite said request made by the Health Minister and the respondent no. 3, the respondent no. 2 arbitrarily issued the impugned officer order dated 12.04.2021 fixing the examination center at Doradna Colleges, Doranda, Ranchi for conducting the examination of theory papers of all the students, irrespective of their Pharmacy colleges/institutions. According to the petitioners, though the said decision has purportedly been taken by the respondent no. 2 in the wake of Covid-19

pandemic, yet the same cannot be said to be in the interest of students as they have to travel down to Ranchi from different parts of the State.

7. Since no one appears for the parties, this Court is not aware of the fact as to whether the examination scheduled to be held w.e.f. 19.04.2021, has been postponed keeping in view the second wave of Covid-19 pandemic.

8. Nevertheless, if the scheduled date of the said examination has been postponed, the respondent no. 2 is directed to reconsider its decision of

conducting the examination of theory papers of Diploma-in-Pharmacy course at one centre i.e. Doranda College, Doranda keeping in view the present

Covid-19 pandemic situation which has gone out of control and that the students of several districts will face great difficulty in travelling down to

Ranchi exposing themselves to the threat of infection during this pandemic period. The said decision must be taken by the respondent no. 2 within a

period of two weeks from the date of receipt/production of a copy of this order.

9. The writ petition is accordingly disposed of with aforesaid observation and direction.

10. Let this order be communicated to the respondent no. 2 through the respondent no. 1.