

(2025) 09 PAT CK 0789

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.10338 Of 2025

I.K. College of Pharmacy

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 25-09-2025

Acts Referred:

Citation : (2025) 09 PAT CK 0789

Hon'ble Judges : Harish Kumar, J

Bench : Single Bench

Advocate : Prashant Sinha, Vertikka K. Kashyap, Psrul Prasad, Aditya Anand

Final Decision : Disposed Of

Judgement

Harish Kumar, J

1. Heard the parties.

2. The Secretary of the College has invoked the jurisdiction of this Court seeking a direction upon the respondent authorities to take appropriate decision on the report submitted by the Expert Committee Constituted under the order contained in Memo No. 26(17) dated 08.01.2024, issued by the Officer on Special Duty, Health Department, Government of Bihar; in pursuant to which the Committee inspected the petitioner's college on 29.06.2024 and submitted its confidential report on 20.08.2024.

3. Mr. Prashant Sinha, learned Advocate for the petitioner submitted that despite the inspection of the College, in question, by a duly constituted Committee and submission of its report no action has been taken till date. Moreover, in absence of "No Objection Certificate" issued by the State Government, the petitioner's institution could not be allowed to run the courses of D. Pharm and B. Pharm for the academic Session 2023-24.

4. Learned Advocate for the petitioner has placed a copy of the Bihar Medical Education Institution (Regulation and Control) Act, 1981 (hereinafter referred to

as the 'Act 1981') as well as Bihar State Engineering and Pharmacy Educational Institution (Regulation and Control) Act, 1982 (hereinafter referred to as the 'Act 1982').

5. Referring to Clause- 5 of both the Acts it is submitted that the respondent State authorities are under obligation to conduct inspection of the school, in question, preferably within a period of three months from the date of filing of completion report and in case the same could not be done, the period of inspection may be extended. After conducting inspection, the State authorities are duty bound to act upon the same. In the case in hand, the inspection was done long back on 29.06.2024 and the report has been submitted on 28.08.2024, but till date even after lapse of one year no action has been taken and thereby the petitioner's institution has been deprived from running their courses in absence of "No Objection Certificate", which is sine qua non for the purpose of affiliation of institution by the Pharmacy Council of India.

6. A counter affidavit has been filed on behalf of respondent nos. 1 to 3. Ms. Vertikka, learned Advocate for the State referring to para 6 thereof submitted that on account of on going Quality Assessment of the existing Government and Private Pharmacy Institutes across the State of Bihar, the Health Department, Government of Bihar has decided to keep in abeyance, issuance of any "No Objection Certificate" to new private Pharmacy Institution till the work of Assessment/Survey and Review in this matter is completed.

7. Learned Advocate for the Pharmacy Council of India is present and submitted that for the purpose of affiliation "No Objection Certificate" in favour of the institution is necessary.

8. In view of the submissions advanced and the materials available on record, this Court instead of keeping the matter pending, awaiting the completion of the work of Assessment/Survey by the Quality Council of India, deems it fit and appropriate to dispose of the writ petition with a direction to the respondent nos. 2 and 3 to look into the matter and take appropriate action, based upon the inspection report dated 20.08.2024, preferably within a period of four weeks from the date on which the work of Assessment/Survey and Review is completed and report is submitted in this regard keeping in mind the specific prescription noted under the Act, 1981 and Act, 1982 referred hereinabove.

9. It is expected that the concerned respondent shall take all sincere effort to get the report from the Quality Council of India at the earliest.

10. With the aforesaid direction, the writ petition stands disposed of.