



[3329]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

IA No. 1 OF 2023

IN

WP NO: 20558 OF 2023

Between:

1. Sri Unnathi Educational Society, D.No.2-322, Colony Road, Madanapalle, Chittoor District (presently Annamayya District), Andhra Pradesh, Rep. by its Chairman, Mr. B.Amarnatha Reddy, Colony Road, Madanapalle.
2. Mahathi College of Pharmacy, Rep. by its Rep. by its Chairman, Mr. B.Amarnatha Reddy, Colony Road, Madanapalle. Near Madanapalle Road Railway Station, C.T.M. Cross Roads, Madanapalle Mandal Chittoor District (presently Annamayya District) Andhra Pradesh.

...Petitioner(s)

(Petitioner in WP 20558 OF 2023

on the file of High Court)

AND

1. Union of India, Rep. by its Principal Secretary, Ministry of Health and Family Welfare Department, Higher Education, Nirman. Bhavan, New Delhi.
2. Pharmacy Council of India, Rep. by its Registrar-Cum-Secretary and President, NBCC Centre, 3rd Floor, Plot No. 2, Community Centre, Maa Anandmai Marg, Okhla, Phase-1, New Delhi- 110020.
3. Jawaharlal Nehru Technological University (JNTU), Rep. by its Registrar, Ananthapur-515002, Andhra Pradesh State.
4. The State of Andhra Pradesh, rep. by its Principal Secretary, Higher Education Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
5. The Convener, A.P. Eapcet -2023 Admissions, 0/0. The Commissioner of Technical Education, Flat No. 104, ANR Towers, Jammichettu Street, Prasadampadu, Vijayawada-520008, Krishna District.
6. The Secretary, Andhra Pradesh State Council of Higher Education, Sree Mahendra Enclave, NRI Block(C-Block), I and II Floors, Opposite State Bank of India, Adjacent to NH- 16, Tadepalli, Guntur -522201.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioners : SRI MD SALEEM

Counsel for the Respondent Nos.1 & 2 : SRI P.VENUGOPAL

Counsel for the Respondent Nos.4 to 6 : GP FOR HIGHER EDUCATION

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation and execution of the 2nd Respondent's Circular vide Ref No.14/56/2023(Approval Process for 2023-24 academic sessions)(E)/2540 dated 26-07-2023 issued in continuation of circular/notification No.14-56/2022-PCI(Approval Process for 2022-23 a.s.)/17710 dated 08-02-2023 in so far as

petitioners are concerned, Pending disposal of WP No. 20558 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Heard both sides.

In view of the orders passed by this Hon'ble Court in I.A.No.1 of 2023 in W.P.No.4861 of 2023 dated 27.02.2023, the impugned proceedings issued by the 2nd respondent dated 02.02.2023 and 08.02.2023 were suspended by observing as under:

"The legal validity of the impugned proceedings enhancing the existing fee, dated 02-02-2023 and 08-02-2023 bearing Reference Nos.14-56/2022-PCI(Approval Process for 2022-2023 a.s)/17462-64 and 14-56/2022-PCI(Approval Process for 2022-2023 a.s)/17710 respectively, has been mainly questioned on the ground that as per Section 18 of the Pharmacy Act, 1948, the 2nd respondent-Pharmacy Council of India has to make regulations with the approval of the Central Government after placing the same before each House of Parliament for approval and the said procedure is not followed in issuing the impugned proceedings.

Therefore, in the said facts and circumstances of the case, there shall be interim suspension of the impugned Notifications issued by the 2nd respondent-Pharmacy Council of India dated 02-02-2023 and 08-02-2023 bearing Reference Nos.14-56/2022-PCI (Approval Process for 2022-23 a.s)/17462-64 and 14-56/2022-PCI (Approval Process for 2022-23 a.s)/17710 respectively, till the next date of hearing.

Till the controversy in this regard is decided after learned Standing Counsel for Central Government obtains instructions and makes his submissions, the 2nd respondent is directed to consider and process the application submitted by the petitioner for payment of necessary fee as per the proceedings dated 04-5-2018. The said payment is subject to the outcome of the result of the main writ petition".

The learned counsel further submits that even though the suspension was granted by this Hon'ble Court regarding notification dated 02.02.2023 and 08.02.2023, the 2nd respondent issued the impugned circular dated 26.07.2023

by reiterating the contents stated at notification dated 02.02.2023 and 08.02.2023 are already suspended by this Hon'ble Court.

In view of the facts and circumstances, once this Hon'ble Court granted interim suspension in respect of notifications dated 02.02.2023 and 08.02.2023, the respondents cannot be permitted to issue the impugned proceedings by reiterating the same. As such, there shall be an interim suspension of the impugned circular/proceedings dated 26.07.2023, pending further orders."

Sd/- G. HELA NAIDU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Union of India, Ministry of Health and Family Welfare Department, Higher Education, Nirman. Bhavan, New Delhi.
 2. The Registrar-Cum-Secretary and President, Pharmacy Council of India, NBCC Centre, 3rd Floor, Plot No. 2, Community Centre, Maa Anandmai Marg, Okhla, Phase-1, New Delhi- 110020.
 3. The Registrar, Jawaharlal Nehru Technological University (JNTU), Ananthapur-515002, Andhra Pradesh State.
 4. The Principal Secretary, State of Andhra Pradesh, Higher Education Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
 5. The Convener, A.P. Eapcet -2023 Admissions, O/O. The Commissioner of Technical Education, Flat No. 104, ANR Towers, Jammichettu Street, Prasadampadu, Vijayawada-520008, Krishna District.
 6. The Secretary, Andhra Pradesh State Council of Higher Education, Sree Mahendra Enclave, NRI Block(C-Block), I and II Floors, Opposite State Bank of India, Adjacent to NH- 16, Tadepalli , Guntur -522201. (Addresses 1 to 6 By RPAD)
 7. One CC to SRI. MD SALEEM Advocate [OPUC]
 8. One CC to SRI P.VENUGOPAL, Advocate [OPUC]
 9. Two CCs to GP FOR HIGHER EDUCATION, High Court of Andhra Pradesh. [OUT]
 10. One spare copy
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HIGH COURT

NVJ

DATED:11/08/2023

LIST THE MATTER AFTER THREE (03) WEEKS

ORDER

IA NO.1 OF 2023

IN

WP.No.20558 of 2023

INTERIM SUSPENSION

