

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE NO.: **W.P.No.20558 of 2023**

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1	11.08.2023	<u>NV,J</u> <u>W.P.No.20558 of 2023</u> Sri N.Harinath, learned Deputy Solicitor General takes notice for respondent Nos. 1 and 2. Learned Government Pleader for Higher Education takes notice for respondent Nos. 4 to 6. Sri P.Venugopal, learned Standing Counsel takes notice for respondent No.3. Learned Standing Counsel seeks time for filing counter. At his request, list the matter after three (03) weeks. <u>I.A.No. 1 of 2023</u> 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: <i>"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</i>	

		<i>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.</i> <i>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.</i> <i>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”.</i> 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.	
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		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.	
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I.A.No.2 of 2023

Heard both sides.

For the reasons stated in the accompanying affidavit filed in support of the writ petition and considering the submissions made, there shall be an interim direction as prayed for.

NV, J

Note: Issue CC by 14.08.2023

B/o
BSP