

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(@ SLP(C) No.15899/2025)

EDUCATION RESEARCH AND DEVELOPMENT APPELLANT(S)
FOUNDATION (ERDF) & ANR.

VERSUS

THE COMMISSIONER AND SECRETARY TO RESPONDENT(S)
THE GOVT. OF ASSAM & ORS.

O R D E R

Leave granted.

This appeal arises out of the order dated 14.05.2025 passed by a Division Bench of the Gauhati High Court dismissing the appellant's writ appeal and confirming the order dated 06.02.2025 passed by a learned Judge in Review Petition No. 208/2024 in Writ Petition (Civil) No. 388/2024.

By the said review order, the learned Judge modified his earlier order dated 16.08.2024 directing issuance of a 'No objection Certificate¹' by the State Government.

Significantly, all these orders were in the context of the academic year 2022-2023, which is long past.

It is also an admitted fact that the college, Allama TR College of Pharmacy, Badarpur, run by the appellant-Trust did not admit any students during that academic year and even during the

¹ For short "NOC"

later academic years for want of the requisite NOC from the State Government.

We may note that by Notification dated 07.11.2023, published in the Assam Gazette (Extraordinary) on 08.11.2023, the Government of Assam promulgated a new regulatory framework for the Nursing, Pharmacy and Allied Health Science Sectors in the State of Assam. The said regulatory framework would have application to operation of pharmacy colleges after the date of the promulgation thereof.

It is also an admitted fact that the appellant-Trust submitted an application for grant of NOC only on 07.12.2023, that is, after the aforestated regulatory framework came into force.

It appears that the appellant-Trust also executed a Memorandum of Understanding² with the Karimganj Civil Hospital for a period of five years on 12.01.2024, in keeping in with the requirement prescribed in the aforestated regulatory framework.

However, by proceedings issued on 11.07.2024, the Director of Health and Services, State of Assam, ordered cancellation of the said MoU and the same was given effect to by the Superintendent of the Karimganj Civil Hospital, under letter dated 12.07.2024, informing the appellant-Trust of the cancellation of its MoU.

We are informed that the counselling and allotment of students in B.Pharm and D. Pharm courses for the academic year 2025-2026 is in progress, insofar as private pharmacy colleges are concerned. However, the appellant-Trust is yet to make an application for the academic year 2025-2026 under the regulatory framework introduced on 07.11.2023.

² For short "MoU"

Further, in the event it seeks revival of its MoU dated 12.01.2024, it is for the appellant-Trust to make a representation in that regard to the authorities concerned. We may note that the cancellation of the MoU dated 12.01.2024 was not the subject matter of challenge before the High Court and, therefore, it cannot be challenged before this Court.

We may, however, note at this stage that the aforestated MoU was entered into between the appellant-Trust and Karimganj Civil Hospital on 12.01.2024 and it appears that instructions were given with regard to obtaining permission from the Government before entering into such MoUs only on 09.07.2024, that is, long after the execution of the MoU dated 12.01.2024. In the event, the appellant-Trust makes a representation for revival for its MoU dated 12.01.2024, the authorities concerned must also keep this aspect in mind.

Once the appellant-Trust makes an application for grant of the NOC for the academic year 2025-2026 with all supporting material, the authorities concerned may have to undertake an inspection of the college to ascertain its readiness and eligibility in terms of the requirements prescribed in the regulatory framework dated 07.11.2023 and also the guidelines of the Pharmacy Council of India and then take further necessary steps.

Mr. Chinmoy Pradip Sharma, learned Senior Additional Advocate General, appearing for the State of Assam, fairly states that the authorities concerned would endeavour to complete this process within a period of two weeks from the date of receipt of the application of the appellant-Trust for grant of the NOC for the

academic year 2025-2026 and the representation for revival of the MoU dated 12.01.2024.

We take on record the aforestated statement of the learned Senior Additional Advocate General.

The appeal is, accordingly, disposed of in the aforestated terms.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(ALOK ARADHE)

NEW DELHI;
SEPTEMBER 11, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 15899/2025

[Arising out of impugned final judgment and order dated 14-05-2025 in WA No. 48/2025 passed by the Gauhati High Court]

EDUCATION RESEARCH AND DEVELOPMENT
FOUNDATION (ERDF) & ANR.

Petitioner(s)

VERSUS

THE COMMISSIONER AND SECRETARY TO
THE GOVT. OF ASSAM & ORS.

Respondent(s)

IA No. 138614/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 11-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.
Mr. Abhinav Hansaria, AOR
Ms. Kavya Jhavar, Adv.
Ms. Nandini Rai, Adv.
Mr. Aashay Shukla, Adv.

For Respondent(s) Mr. Chinmoy Pradip Sharma, Sr. A.A.G.
Ms. Diksha Rai, AOR
Ms. Purvat Wali, Adv.
Mr. Piyush Vyas, Adv.
Mr. Irfan Hasieb, Adv.
Mr. Vijay Deora, Adv.
Mr. Aditya Agarwal, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(Babita Pandey)
Asth. Registrar-cum-PS

(Ranjana Shailey)
Assistant Registrar

(Singed order is placed on the file)