



2026:DHC:4930-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: 07.04.2026

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Judgment delivered on: 29.05.2026

+ **LPA 614/2024, CM APPLs. 40079/2024, 4139/2025, 48276/2025
and 68686/2025**

PHARMACY COUNCIL OF INDIA

....Appellant

Through: Mr. Vinay Garg, Senior Advocate with
Mr. Ajay Kumar Singh, Ms. Shrishti
Gautam and Mr. Divyansh Singh,
Advs.

versus

SLS COLLEGE OF PHARMACY

.....Respondents

Through: Mr. Sanjay Sharawat, Senior Advocate
with Mr. Mayank, Mr. Ravi Kant, Mr.
Vineet Upadhyay and Mr. Ayush
Aanand, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

J U D G M E N T

DEVENDRA KUMAR UPADHYAYA, C.J.

1. This *intra-court* appeal assails the judgment and order dated 01.07.2024 passed by learned Single Judge whereby a batch of writ petitions instituted by the respondent-Colleges challenging Clause 10(i), 10(ii), 10(iii) and 10(v) of the Circular dated 14.12.2023, issued by the Pharmacy Council of India (*hereinafter referred to as 'PCI'*) on the subject "Approval Process of Academic Years 2024-2025 For All Pharmacy Institutions" have been allowed. The writ petitions, apart from challenging the said clauses of the



Circular dated 14.12.2023, had also challenged Clause 5 of the “Approval Process Handbook, 2024-2025 of Pharmacy Council of India” (*hereinafter referred to as the ‘Handbook’*). A challenge was also made to the charging of Pharmacy Education Regulatory Charges (*hereinafter referred to as ‘PERC’*) as per Clause 8 of the Circular dated 14.12.2023.

2. Heard learned senior counsel Mr.Vinay Garg representing the appellant-PCI and Mr.Sanjay Sharawat, learned senior counsel representing the respondent-Colleges and perused the records available before us on this Letters Patent appeal.

3. Before advertng to the respective submissions made by learned counsel for the parties we may briefly describe as to what was the challenge made by the respondent-Colleges in the underlying writ petitions.

4. The appellant-PCI issues Circular dated 14.12.2023 on the subject of opening of PCI Portal for Pharmacy Institutions for consideration of approval of pharmacy courses for 2024-2025 Academic Session. The Circular dated 14.12.2023, apart from requiring the Pharmacy Institutions to apply for seeking approval of new pharmacy courses, also required the existing institutions to apply for seeking continuation of approval of pharmacy courses which were already accorded to them. Another category of applications which were required to be made were in respect of an increase in admission.

5. Clause 8 of the said Circular dated 14.12.2023 provided that for payment of PERC, multiple gateways are available, including payments through NEFT/RTGS. It further provided that new institutions that were to



apply for the first time need to pay a Registration Fee of Rs.10,000/- along with PERC. Clause 8 of the Circular dated 14.12.2023 reads as under:

“8. Pharmacy Education Regulatory Charges

For the payment of the Pharmacy Education Regulatory Charges multiples payment gateways are available and include payments through BillDesk, (NEFT/RTGS) (non-refundable) The new institution which are applying for the first time need to pay registration fee of Rs 10000/-along with applicable PERC.”

6. Clause 10(ii) of the Circular dated 14.12.2023 stipulated that all institutions that are already approved for the conduct of course/approved under Section 12 of the Pharmacy Act, 1948 (*hereinafter referred to as the ‘Act, 1948’*) for B.Pharm/D.Pharm/M.Pharm/Pharm D/Pharm D (PB)/B.Pharm (Practice) have to mandatorily apply, submitting all the requisite information and related documents along with PERC for consideration of continuation of approval. Sub-Clause (iii) of Clause 10 also provided that the institutions which already have approval for courses for 2024-2025 or beyond the said academic session, shall also mandatorily apply in the Standard Inspection Form (*hereinafter referred to as ‘SIF’*) and pay the PERC for retention of already granted approval. Sub-Clause (iv) of Clause 10 stated that any application made for approval will be entirely the responsibility of the institution, and failure to apply shall result in such institutions not being reflected in the approved list of Institutions on the website of the PCI, leading to “No Admission Year”. Clause 10 of the Circular dated 14.12.2023 is extracted hereunder:

“10. Cautions

The following cautions shall be noted and exercised while submitting online application on PCI portal for consideration of approval for academic session 2024-2025.



i) The Last date for completing the application process on PCI portal will not be extended under any circumstances and hence institutions are required to apply online in SIF without fail within the available window from 14th December 2023 to 31st December 2023.

The institutions are advised not to wait for the last date for submission of SIF as overcrowding may pose technical problems. The Council will not be responsible in case institution is not able to apply on time. It is reiterated that the last date will not be extended and no further time will be granted to complete the application process.

ii) All Institutions that are already approved by the PCI for conduct of course / approved under section 12 for registration as a pharmacist for the D.Pharm / B.Pharm /M.Pharm / Pharm.D, Pharm.D (PB) / B.Pharm (Practice) programs have to mandatorily apply on the PCI portal, submitting all the requisite information, related documents and Pharmacy Education Regulatory Charges for consideration of approval.

iii) Institutions already having approval for 2024-2025 or beyond 2024-2025 academic session shall also mandatorily apply in SIF and pay the mandatory Pharmacy Education Regulatory Charges for retention of already granted approval.

iv) Applying for approval is entirely the responsibility of the institution and failure to apply will result in not being reflected in the approved list of Institutions on the Council's website leading to "No Admission Year".

v) All fields in the SIF are to be mandatorily completed including -

a) teaching staff details (Name, qualification, specialization at PG level (very important), Years of experience etc).

b) details of salary paid to teaching staff during the period of January 2023 to January 2024.

c) the staff names that are reflected in an institution, as per the PCI circular dt.9.10.2013, a copy of which is enclosed as Annexure-D will be not counted for the number of staff for the particular program if they have left the institution to join another institution in the same academic year.

d) the staff whose name is reflected in an institution presently for the academic year 2024-25 will not be given credit in another institution for the year 2024-25 even if they join another institution during the said period. Such information should be clearly informed by the faculty to the joining institution and the PCI. If any information is suppressed, the individual faculty will be responsible and can be debarred from teaching



assignments for a period up to 3 years under statutory provisions of "Minimum Qualification for Teachers in Pharmacy Institutions Regulations, 2014".

e) the appointment of qualified principal and teaching staff as per the statutory provisions of various Education Regulations is mandatory and if any non-compliance is observed, the approval will not be granted.

f) The appointment of deficient staff will not be considered as a compliance during the appeal period.”

7. A Handbook containing the process for seeking approval has also been issued by the PCI, Clause 5 of which mandates that existing institutions shall apply for continuation of approval as per the process given therein. Clause 5 of the Handbook reads as under:

“5.CONTINUATION OF APPROVAL FOR EXISTING INSTITUTIONS: The existing Institution shall apply for Continuation of Approval by using their existing login User ID and Password as per steps given below:

- 1) Go to www.pcionline.co.in*
- 2) Click on ‘**DIGI-PHARMed**’ portal link and login with the User ID and Password*
- 3) Go to Application Form i.e. the Standard Inspection Format (SIF) and fill all required data.*
- 4) After uploading all relevant data, a comprehensive report will be generated.*
- 5) Thereafter a QR Code will appear at the bottom of the report.*
- 6) Scan the QR Code through PCI Digital Sign App and place your signature.*
- 7) After submission of signature, the payment (PERC) link will be activated.*
- 8) Pay the system generated PERC and download the payment receipt.*
- 9) Keep this receipt for future reference.”*

8. The respondent-Colleges are existing Pharmacy Institutions in the sense that various pharmacy courses run by them were already approved by PCI, and the Circular dated 14.12.2023 required such existing institutions as well to seek approval of the course for retention of already granted approval. Clause 5 of the Handbook also mandated that existing institutions shall also apply for continuation of approval and for the purpose of seeking continuation of approval of the courses run by the existing institutions; the



PCI mandated that they shall also be charged with PERC. The underlying writ petitions were filed by the respondent-Colleges, who challenged the said provisions which required the existing Pharmacy Institutions, who were running their courses on the basis of approval already granted to apply for seeking continuance of approval. The said challenge was made primarily on the ground that Section 12 of the Act, 1948 does not provide for seeking approval for continuation of approval and further that once approval to a course is granted under Section 12 by the PCI it shall continue without there being any requirement of seeking approval for continuation of approval annually at the expiry of any specific interval till it is withdrawn or cancelled in terms of the provisions of Section 13 of the Act, 1948.

9. Learned Single Judge, by considering the submissions made by learned counsel for the parties and also considering the applicable provisions of the Act, 1948, the relevant regulations framed there under and the schemes governing the pharmacy courses, has come to the conclusion that the provision of the Circular and the Handbook, so far as the same required the existing pharmacy institutions to seek approval for continuance of approval already granted is illegal for the reason that no such requirement of seeking periodic approval is envisaged in the scheme of the Act, 1948 and therefore, such requirement as is reflected from Clauses 8, 10(ii), 10(iii) and 10(iv) of the Circular dated 14.12.2023 and Clause 5 of the Handbook are illegal and further that charging of PERC is unlawful.

10. One batch of writ petitions was allowed by the impugned order passed by the learned Single Judge dated 01.07.2024. Certain similar writ petitions, however, could not be tagged with the said batch of writ petitions and such petitions were decided by the learned Single Judge *vide* order dated



15.10.2024, which were allowed in terms of order dated 01.07.2024, with a further observation that the orders passed in the instant LPA shall govern the said batch of writ petitions as well. It may be noted that before the order dated 15.10.2024 could be passed by learned Single Judge deciding the writ petitions where similar challenge was made, but they were not tagged with the batch of writ petitions which were decided on 01.07.2024 by learned Single Judge, the impugned order dated 01.07.2024 was challenged in the instant LPA wherein, an interim order was passed on 19.07.2024 providing therein that the impugned judgment dated 01.07.2024 shall remain stayed.

11. Subsequent to the filing of the instant appeal, most of the petitioners whose writ petitions were decided by the learned Single Judge *vide* order dated 15.10.2024 have also been impleaded as party respondents, who have been represented by learned senior counsel, Mr.Sanjay Sharawat, in this appeal.

12. Mr.Vinay Garg, learned senior counsel representing the appellant-PCI, has referred to the provisions of Section 12(1) of the Act, 1948 and has argued that the said provision contains two expressions, namely, (i) 'Course of Study' and (ii) 'Course'. He has further argued that the legislature, thus, has given power to the PCI to approve the 'Course' for the full term of four years in case of B.Pharm Course and also for a particular 'Course of Study' on a year-to-year basis independently. In this regard, he has submitted that the phrases 'Course of Study' and 'Course' occurring in Section 12(1) convey different meanings, and according to him, the 'Course of Study' will be a part of 'Course' which is of a defined duration. He has further stated that, thus, a 'Course' of a defined duration may consist of different 'Courses of Study' to be taught in a given academic year and therefore, the appellant-



PCI is empowered under Section 12(1) to grant approval to a specific ‘Course of Study’ or to all the ‘Courses of Study’ in a course.

13. Citing the judgments in *Sangeeta Singh v. Union of India & Ors.* (2005) 7 SCC 484 and *Harbhajan Singh v. Press Conference of India* (2002) 3 SCC 722, it has been argued by the learned senior counsel for the appellant-PCI that ‘Course of Study’ has to be read as a part a ‘Course’ in Section 12(1) which is apparent not only from the plain literal meaning of the language used in Section 12(1) but also because there is no specific or implied prohibition in the Act, 1948 to not to accord approval to a ‘Course of Study’ which is part of a ‘Course’ of defined duration. It has been argued that the Court is not only required to examine as to what has been stated by the legislature but also what has been omitted.

14. Further submission of the learned senior counsel for the appellant-PCI is that while interpreting a statute, the objects and reasons behind the statute signify the intention of the legislature, and the purpose of a legislation can be discerned by interpreting a statute in the light of the stated objects and reasons. According to him, the Statement of Objects and Reasons of the Act, 1948, is to establish and prescribe the minimum standards of education and to approve ‘Course of Study and Examinations’ and, therefore, the objects and reasons disclose the legislative intent of empowering the appellant-PCI to approve ‘Course of Study’ as against the ‘Course’.

15. While making such submissions, what the learned senior counsel for appellant-PCI meant is that a ‘Course’ of a defined duration, say of a four or five years, may consist of multiple ‘Courses of Study’ of smaller durations, such as one year or semester of six months or three months. In other words,



what has been submitted on behalf of appellant-PCI is that under Section 12(1), the appellant-PCI is not only empowered to approve the entire course of four-five years duration but is also empowered to approve courses of study which are of a shorter duration, of a year, six months or three months and are part of the 'Course' of defined duration.

16. Mr.Vinay Garg, learned senior counsel has, thus, attempted to draw distinction between 'Course of Study' and 'Course' and has submitted that since the appellant-PCI is empowered to accord approval to 'Course of Study' which may be for an year, periodic renewal of continuation of approval may be annual, which is permissible to be undertaken by the appellant-PCI and accordingly, approval for an year and not for the entire period of the course is also permissible.

17. Impeaching the findings recorded by the learned Single Judge in the impugned judgment, it has been argued that if Section 12(1) is read and interpreted in the light of what he has argued, it is found that the provision is unambiguous to the extent that an institution imparting education in pharmacy and conducting the course of study is required to make an application for approval for the course and there upon the appellant-PCI would grant approval for the 'Course of Study' (which is for a shorter duration than the entire duration of the course.) and thus, requiring approval of continuation of approval does not invite any flaw, rather it is lawful.

18. Learned senior counsel for the appellant-PCI has also argued that all that is not prohibited in law is legally permissible and has submitted that since there is no prohibition in Section 12 of the Act, 1948 to grant yearly approval to the course of study and therefore, it will be permissible for the



PCI to grant yearly approvals and mandate the existing institutions to seek approval of continuation of approval. In this regard he has placed reliance on ***Rajendra Prasad Gupta v. Prakash Chandra Mishra, (2011) 2 SCC 705.***

19. Placing reliance on ***Khargram Panchayat Samiti and Another v. State of West Bengal and Ors. (1987) 3 SCC 821, Okara Electric Supply Co, Ltd v, State of Punjab (1959) SCC OnLine SC 88*** and ***Gayatri Balasamy v. ISG Novasoft (2025) 7 SCC 1***, it has been argued that by applying the doctrine of consequential or incidental power, it will be well within the powers of appellant-PCI to prescribe for grant of approval on year-to-year basis or for the full duration of the course. It is also the submission on behalf of appellant-PCI that it is well established principle of interpretation that a statute can be read with reference to exposition that it has received from contemporary authorities (*Rule of Contemporanea Expositio*).

20. Relying upon ***Rohitash Kumar v. Om Prakash Sharma, (2013) 11 SCC 451***, it has been argued by learned senior counsel for the appellant-PCI that the finding recorded by the learned Single Judge in the impugned judgment in this regard is erroneous. He has further stated that reliance placed by the learned Single Judge on ***Bhuwalia Steel Industries v. Bombay Iron & Steel (2010) 2 SCC 273*** is misplaced. An alternate submission based on Section 2(g) of the Act, 1948 which defines the expression 'prescribed' to mean prescribed by regulations, has also been made on behalf of the appellant-PCI by submitting that Section 10 read with Section 18 of the Act, 1948 confers wide power of making regulation to carry out the purposes of the Act, 1948 and since B.Pharm Course Regulations, 2014 (*hereinafter referred to as 'Regulations, 2014'*) provides that 'prescribed' would mean as prescribed by the PCI and hence, the Circular dated 14.12.2023 was issued



under Regulation 9(2) of the Regulations, 2014. His submission is that since the power to issue the Circular dated 14.12.2023 is traceable to the said Regulations, the PCI has rightly directed the institutions applying for renewal of the approval to submit SIF, which enables the appellant-PCI to monitor and control compliance of infrastructural and faculty requirements envisaged under the relevant Regulations.

21. It has been argued that the learned Single Judge appears to have overlooked all the aforesaid aspects of the matter and has set aside the entire regulatory measures prescribed by the appellant-PCI, for which it is legally competent. On these counts, it has been urged by learned senior counsel for the appellant-PCI that the appeal be allowed.

22. Opposing the appeal vehemently, it has been submitted by Mr.Sanjay Sharawat, learned senior counsel appearing for the respondent-Colleges, that if the interpretation sought to be given to Section 12(1) of the Act, 1948 by the appellant-PCI is accepted, it will require the pharmacy institutions to seek continuation of approval year after year (*ad infinitum*). His submission is that such cannot be the intention of the legislature, nor can the same be gathered from the language appearing in Section 12(1) of the Act, 1948. He has also argued that mandating the continuation of approval in the absence of any express statutory provision is not tenable, as the same would infringe Article 19 and 256 of the Constitution of India.

23. Mr.Sanjay Sharawat, learned senior counsel for the respondent-Colleges, while defending the impugned judgment passed by the learned Single Judge, has referred to the scheme of the Act, 1948 and has argued that the scheme as contemplated in the Act is a complete code in itself for grant,



oversight, inspection and withdrawal of approval. He has also relied upon *Nazir Ahmad v. King Emperor AIR 1936 PC 253*, to submit that when a statute prescribes a particular method of doing something, it must be done in that manner or not at all. He has stated that provision for withdrawal is already available under Section 13 of the Act, 1948, where if an institution on any approval accorded to a ‘Course of Study’ or even to an examination, fails to continue to function in conformity with the regulations, the approval accorded can be withdrawn after giving a notice. He has stated that in case approval to a ‘Course of Study’ is accorded and any pharmacy institution is found to be continuing the ‘Course of Study’ which does not conform to regulatory measures prescribed by the appellant-PCI, approval to such ‘Course of Study’ can very well be withdrawn as envisaged in Section 13 of the Act, 1948. Therefore, the submission is that withdrawal being permissible in Section 13, cannot be resorted to by taking recourse to a requirement of seeking continuation of approval on a year-to-year basis, otherwise it may amount to withdrawing the approval indirectly which is not permissible, as the only mode of permissible withdrawal of approval of ‘Course of Study’ is given in Section 13 of the Act, 1948.

24. Learned senior counsel for the respondent-Colleges has argued that the language occurring in Section 12 of the Act, 1948 is unambiguous, which contemplates a declaration of approval for the ‘Course of Study’ and since such declarations in terms of Section 15 of the Act, 1948 are to be made by way of publication in the Official Gazette, the approval so accorded will be authoritative. Learned senior counsel has further stated that any approval to the ‘Course of Study’ is accorded by the appellant-PCI only on its satisfaction, that too, after such inquiry as is thought fit, relating to the



‘Course of Study’ being in conformity with the regulations. He has stated that declaration of approval of ‘Course of Study’ is thus, not a summary or simple process and any institution seeking approval to a ‘Course of Study’ in pharmacy has not only to satisfy that such ‘Course of Study’ is in conformity with the regulations but such satisfaction has to be recorded by the appellant-PCI on inquiry and, therefore, requiring the pharmacy institutions to seek approval to a course of study on a year-to-year basis is against such an emphatic provision available in Section 12 of the Act.

25. Referring to Section 13 of the Act, 1948 it has been argued on behalf of the respondent-Colleges that the power to withdraw, as available in Section 13, cannot be permitted to be subsumed by the power to grant approval under Section 12. In other words, he has stated that the power to accord approval to a ‘Course of Study’ cannot be inflated or extended to the power of withdrawal of approval for the reason that Sections 12 and 13 are mutually exclusive. It has also been argued that Section 16 vests ample power with the Executive Committee of the appellant-PCI to appoint Inspectors for the purpose of inspecting the institutions for two purposes, namely, (i) to inspect an institution which is running an approved ‘Course of Study’ i.e., an institution imparting education on approval of a ‘Course of Study’ and (ii) an institution whose authorities have applied for seeking fresh approval of a ‘Course of Study’. His submission is that Section 16 does not permit any inspection of any existing institution for the purposes of approval for continuation of approval.

26. Mr. Sanjay Sharawat, learned senior counsel for the respondent-Colleges, has also submitted that the expressions ‘Course’ and ‘Course of Study’ have the same meaning and are used interchangeably in the field of



education, and thus, the submission that ‘Course’ means the full duration of the course and ‘Course of Study’ means each year of the course is erroneous and not tenable.

27. Refuting the submissions made learned senior counsel for the appellant-PCI based on the maxim ‘*Contemporaneous Expositio*’ it has been argued by learned senior counsel for the respondent-Colleges that the said principle does not have any application in the instant case for the reason that until the year 2018 the appellant-PCI used to grant approval to a ‘Course of Study’ for three to five years at one time and institutions were then required to seek extension of approvals and further that there was no concept of granting approval for one year. Drawing our attention to certain documents which contain the decision of the appellant-PCI from 1986 up to the year 2020 recording approvals to institutions it has been stated that there has been no continuous practice in place where approvals were accorded on a year-to-year basis, and therefore, no aid can be taken to the principle ‘*Contemporaneous Expositio*’ for the purposes of interpreting the correct purport of the Act, 1948.

28. Having considered the competing submissions made by learned counsel for the respective parties, we are unable to find ourselves in agreement with the arguments made on behalf of the appellant-PCI for the reasons which follow. However, before delving into the respective submission, it will be apposite to extract certain statutory provisions having bearing on the subject matter of this appeal, which are as follows:

Provisions of the Pharmacy Act, 1948



“2. Interpretation.—*In this Act, unless there is anything repugnant in the subject or context,—*

(b) *“approved” means approved by the Central Council under Section 12 or Section 14;*

.....

(g) *“prescribed” means in Chapter II prescribed by regulations made under Section 18, and elsewhere prescribed by rules made under Section 46;”*

“10. Education Regulations.—*(1) Subject to the provisions of this section, the Central Council may, subject to the approval of the Central Government, make regulations, to be called the Education Regulations, prescribing the minimum standard of education required for qualification as a pharmacist.*

(2) In particular and without prejudice to the generality of the foregoing power, the Education Regulations may prescribe—

(a) the nature and period of study and of practical training to be undertaken before admission to an examination;

(b) the equipment and facilities to be provided for students undergoing approved courses of study;

(c) the subjects of examination and the standards therein to be attained;

(d) any other conditions of admission to examinations.

(3) Copies of the draft of Education Regulations and of all subsequent amendment thereof shall be furnished by the Central Council to all State Governments, and the Central Council shall before submitting the Education Regulations or any amendment thereof, as the case may be, to the Central Government for approval under sub-section (1) take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.

(4) The Education Regulations shall be published in the Official Gazette and in such other manner as the Central Council may direct.

(5) The Executive Committee shall from time to time report to the Central Council on the efficacy of the Education Regulations and may recommend to the Central Council such amendments thereof as it may think fit.”

“12. Approved courses of study and examinations.—*(1) Any authority in a State [* * *] which conducts a course of study for pharmacists may apply to the Central Council for approval of the course, and the Central*



Council, if satisfied, after such inquiry as it thinks fit to make, that the said course of study is in conformity with the Education Regulations, shall declare the said course of study to be an approved course of study for the purpose of admission to an approved examination for pharmacists.

(2) Any authority in a State [* * *] which holds an examination in pharmacy may apply to the Central Council for approval of the examination, and the Central Council, if satisfied, after such enquiry as it thinks fit to make, that the said examination is in conformity with the Education Regulations, shall declare the said examination to be an approved examination for the purpose of qualifying for registration as a pharmacist under this Act.

(3) Every authority in the State [* * *] which conducts an approved course of study or holds an approved examination shall furnish such information as the Central Council may, from time to time, require as to the courses of study and training and examination to be undergone, as to the ages at which such courses of study and examination are required to be undergone and generally as to the requisites for such courses of study and examination.”

“13. Withdrawal of approval.—(1) Where the Executive Committee reports to the Central Council that an approved course of study or an approved examination does not continue to be in conformity with the Education Regulations, the Central Council shall give notice to the authority concerned of its intention to take into consideration the question of withdrawing the declaration of approval accorded to the course of study or examination, as the case may be, and the said authority shall within three months from the receipt of such notice forward to the Central Council through the State Government such representation in the matter as it may wish to make.

(2) After considering any representation which may be received from the authority concerned and any observations thereon which the State Government may think fit to make, the Council may declare that the course of study or the examination shall be deemed to be approved only when completed or passed, as the case may be, before a specified date.”

“15. Mode of declaration.—All declarations under Section 12, Section 13 or Section 14 shall be made by resolution passed at a meeting of the Central Council, and shall have effect as soon as they are published in the Official Gazette.”

“16. Inspection.—(1) The Executive Committee may appoint such number of Inspectors as it may deem requisite for the purposes of this chapter.

(2) An Inspector may—



- (a) inspect any institution which provides an approved course of study;
- (b) attend at any approved examination;
- (c) inspect any institution whose authorities have applied for the approval of its course of study or examination under this Chapter, and attend at any examination of such institution.

(3) An Inspector attending at any examination under sub-section (2) shall not interfere with the conduct of the examination, but he shall report to the Executive Committee on the sufficiency of every examination he attends and on any other matter in regard to which the Executive Committee may require him to report.

(4) The Executive Committee shall forward a copy of every such report to the authority or institution concerned, and shall also forward a copy together with any comments thereon, which the said authority or institution may have made, to the Central Government and to the Government of the State in which the authority or institution is situated.”

“18. Power to make regulations.—(1) The Central Council may, with the approval of the Central Government, [by notification in the Official Gazette,] make regulations consistent with this Act to carry out the purposes of this chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)”

The Bachelor of Pharmacy (B.Pharm.) Regulation Course Regulations, 2014

“**2.B.Pharm** shall consist of a certificate, having passed the course of study and examination as prescribed in these regulations, for the purpose



of registration as a pharmacist to practice the profession under the Pharmacy Act, 1948.”

“3.Duration of the course.–

B. Pharm: *The duration of the course shall be four academic year (annual/semester) full time with each academic year spread over a period of not less than two hundred working days for annual pattern and hundred working days for each semester.”*

29. The learned single judge has, in detail, discussed the submissions of the parties and has covered almost all the submissions made before us.

30. In respect of the interpretation sought to be given by the learned senior counsel for the appellant-PCI to the provisions of Section 12(1) of the Act, 1948, in our opinion, it has correctly been concluded by the learned Single Judge in the impugned judgment that Section 12(1) requires a Pharmacy Institution to apply to the PCI for approval of ‘Course of Study’ and if the PCI is satisfied that the ‘Course of Study’ is in conformity with the education regulations, it shall declare the ‘Course of Study’ to be an approved ‘Course of Study’ for the purposes of admission to an approved examination for pharmacists. Learned Single Judge has concluded that Section 12(1) thus refers at all points to the ‘Course of Study’ and therefore, the approval is to the ‘Course of Study’ whether one refers to it as ‘Course’ or as a ‘Course of Study’. Learned Single Judge has also opined that accepting the interpretation of Section 12(1), as suggested by the appellant-PCI, would result in incongruous consequences.

31. We are in complete agreement with the said finding recorded by the learned Single Judge for the reason that a student who joins B.Pharm Course cannot be said to have joined four ‘Courses of Study’ leading to an award of a B.Pharm Degree. The reasoning given by the learned Single Judge in this



regard is that it cannot be said that once a student clears or passes the B.Pharm Course and obtains a degree or certificate for the same, he has cleared four 'Courses of Study'. The said finding has been recorded by the learned Single Judge in paragraph 49 of the impugned judgment which is extracted here under:

“49. Accepting the interpretation of Section 12(1) of the Act, as suggested by Mr. Garg, would result in curious and incongruous consequences. A student who may join the B. Pharm course conducted by the petitioner would be joining one course consisting of four courses of study, as each year of the B. Pharm course would be a separate course of study. It can obviously not be said that a student who joins B. Pharm course joins four courses of study or that on his clearing the said course and obtaining a B. Pharm certificate, has cleared four courses of study. This would also be in the teeth of Regulation 2 of the B. Pharm Regulations.”

32. We may also note and observe that the submission made on behalf of appellant-PCI that 'Course' refers to each individual B.Pharm/D.Pharm Course is not in conformity with the plain language occurring in Section 12(1) but is also opposed to the provisions of the Regulations, 2014. Regulation, 2014 describes B.Pharm to consist of a certificate having passed the course of study and examination as prescribed in the regulations for the purpose of registration as a pharmacist to practice the profession under the Act, 1948. Similar provisions exist in M.Pharm/D.Pharm Regulations. Having regard to these regulations, the certificates leading to award of degree/diploma – B.Pharm/M.Pharm/D.Pharm are issued only after a student completes and clears the entire B.Pharm/M.Pharm/D.Pharm Course and therefore, a 'Course of Study' will be the entire B.Pharm/M.Pharm/D.Pharm Course and not any particular year thereof. What is noticeable here is that in Regulation 2 of Regulations, 2014 the only phrase which occurs there is 'Course of Study'. Regulation 3 only speaks about the duration of the course,



according to which the duration of the B.Pharm Course shall be four academic years, with each academic year spread over a period of not less than 200 working days for the annual pattern of 100 working days for each semester.

33. Thus, the submissions relating to interpretation sought to be given by the learned senior counsel for the appellant-PCI to Section 12(1), distinguishing 'Course of Study' and 'Course' in our opinion, is not tenable for the reason that 'Course of Study' and 'Course' have been used in the relevant provisions interchangeably.

34. Another submission made on behalf of the appellant-PCI is that if the PCI is not permitted to grant approval on an annual basis and the requirement of seeking continuous approval by the existing Pharmacy Institutions is dispensed with, the same will result in the extinction of the power of PCI to monitor institutions providing pharmacy courses to examine whether it continues to subscribe to the standards which it is required to maintain. Such submission, in our opinion is misconceived. The power of the PCI to monitor Pharmacy Institutions is not in any way hampered. In this regard, reference to Section 12(3) has rightly been made by the learned Single Judge in the impugned judgment wherein the Pharmacy Institutions have been required to furnish such information as the PCI may require from time to time. Learned Single Judge has rightly observed in the impugned judgment that such power conferred by Section 12(3) is without any restriction, and if the PCI so chooses, it can even call upon an institution to provide the requisite data regarding its functioning at regular intervals.



35. It is also to be noticed that the power of inspection of a Pharmacy Institution is also available which has been vested in the Executive Committee of the appellant-PCI under Section 16 of the Act, 1948, that empowers the PCI to inspect any institution that runs an approved 'Course of Study'. Under this provision, the inspectors, on inspecting the Pharmacy Institutions, are required to submit a report to the Executive Committee along with the comments of the Institutions, if any, which are forwarded to the Government of the State in which the Institute is situated, as also to the Central Government. Therefore, in our opinion, the Act, 1948, contains adequate provisions to monitor the progress of an institution that has been accorded approval to a course under Section 12(1) of the Act, 1948 and hence, maintenance of standards can appropriately be monitored.

36. We may also note the provisions of Section 13 of the Act, 1948, which permits withdrawal of approval accorded to a Pharmacy Institution under Section 12(1) in a situation where the Executive Committee of the PCI reports to its Central Council that an approved course of study does not continue to be in conformity with the Regulations, 2014. The Central Council under Section 13 has been vested with adequate authority to consider the question of withdrawal of the declaration of approval accorded to the 'Course of Study'.

37. Learned Single Judge has also referred to the provisions of Section 15 of the Act, 1948, which provides for the mode of declaration, according to which all declarations under Sections 12, 13 or 14 are to be made by a resolution passed in a meeting of the Central Council of the appellant-PCI, and they shall have effect only on their publication in the Official Gazette. Learned Single Judge has also opined that publication in the Official Gazette



in itself is an indicator that the approval which is granted to a 'Course of Study' is as a whole and not to every year of 'Course of Study'. The reason given by the learned Single Judge for such a conclusion is that Section 15 cannot be read as envisaging every year publication in the Official Gazette of the approval of the 'Course of Study' conducted by a Pharmacy Institution.

38. Learned Single Judge has rightly recorded a finding that declaration under Section 12(1) declaring a 'Course of Study' conducted by an institution to be an approved 'Course of Study' for the purposes of admission to an approved examination for pharmacists is to be officially gazetted under Section 15 and therefore, what would be gazetted by the Central Council of PCI is a declaration that a course conducted by a Pharmacy Institution is an approved 'Course of Study' enabling students undertaking the 'Course of Study' to be admitted to an approved examination for pharmacist. Learned Single Judge has thus found that a gazette declaration is required to be with respect to the entire course of study. We are in agreement with such finding, having regard to the nature of declaration required to be gazetted under Section 15 of the Act, 1948 and also considering the fact that declaration of approval of 'Course of Study' is made only on the satisfaction of the Central Council of the appellant-PCI, that too after an inquiry that the 'Course of Study' is in conformity with the Regulations, 2014.

39. The argument made by learned senior counsel for the appellant-PCI based on the objects of the Act, 1948, has appropriately been dealt with by the learned Single Judge in the impugned judgment, according to which the statement of objects and reasons does not contain anything which can justify the appellant-PCI requiring the existing Pharmacy Institutions to obtain yearly continuation of approval. We may also note that the submission on



behalf of the appellant-PCI to defend the provisions which are under challenge before the learned Single Judge in the writ petitions, based on the principle '*Contemporaneous Expositio*', has also been appropriately considered and answered by the learned Single Judge in the impugned judgment.

40. Learned Single Judge has concluded that such a principle applies to very old statutes where the intention of the framers of the statutes can be a factor at the point of time when such statutes were framed for the purposes of interpreting them. Learned Single Judge has, however, rightly concluded that this doctrine cannot be invoked to support the manner in which the authority implementing the statute chooses to interpret it. Learned Single Judge has also opined that this principle does not have application where the statute is unambiguous and does not admit more than one meaning.

41. We may also add in this regard that the learned senior counsel representing the respondent-Colleges has also brought on record certain documents which are decisions relating to approval granted by the appellant-PCI from the year 1986 to 2020, which do not reflect the concept of granting approval on a year-to-year basis.

Learned Single Judge has also noticed that no records have been placed in evidence by the appellant-PCI to support that it has been the past practice of the PCI to accord approval to a 'Course of Study' on a year-to-year basis. In this view of the matter as well, the doctrine of '*Contemporaneous Expositio*' for the purpose of interpreting Section 12(1) of the Act, 1948, does not lend any support to the submissions made on behalf of appellant-PCI.



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42. So far as the judgments cited by the parties in support of their respective submissions are concerned, the same have, in our opinion, been appropriately discussed by the learned Single Judge in the impugned judgment, and we do not find any good ground to take a view different from the view taken by the learned Single Judge.

43. For all the above reasons, the appeal fails, which is hereby dismissed along with all pending applications.

44. There shall be no orders as to costs.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

MAY 29, 2026/MJ