

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 1323/2021

IN

W.P.(C) NO. 729/2021

BSA COLLEGE OF ENGINEERING &
TECHNOLOGY & ORS.

Petitioner(s)/
Applicant(s)

VERSUS

DR. A.P.J. ABDUL KALAM TECHNICAL
UNIVERSITY & ORS.

Respondent(s)

WITH

W.P.(C) No. 880/2021
W.P.(C) No. 901/2021
W.P.(C) No. 914/2021
W.P.(C) No. 927/2021
W.P.(C) No. 934/2021
W.P.(C) No. 938/2021
W.P.(C) No. 783/2021
W.P.(C) No. 928/2021
W.P.(C) No. 930/2021
W.P.(C) No. 950/2021
W.P.(C) No. 951/2021
W.P.(C) No. 952/2021

O R D E R

W.P.(C) No. 783/2021

Learned counsel for the petitioner seeks
permission to withdraw this writ petition.

Permission granted.

The writ petition is, accordingly, dismissed
as withdrawn.

Rest of the matters :

These writ petitions have been filed by Pharmacy Colleges and Dr. A.P.J. Abdul Kalam Technical University seeking extension of time for grant of affiliation by the University and final approval by the Pharmacy Council of India ('PCI') for new courses which they seek to start from the Academic Year 2021-2022. According to the schedule, the last date for submitting the applications for approval by the institutions in Pharmacy is 10th April of each year and the last date for disposing of the appeals is 30th of April of relevant year. PCI has filed an application for permission to revise the schedule for the Academic Year 2021-2022 in view of the on-going pandemic. The said application was allowed and the schedule was revised.

We have been informed by Mr. Amitesh Kumar, learned counsel appearing for Dr. A.P.J. Abdul Kalam Technical University, that applications for affiliation are considered on the basis of the approval granted by PCI as per the Statutes of the University. The Web Portal of the University was opened on 20.03.2021 and the last date before which applications could be made was notified as 24.04.2021. Information was received from PCI regarding approval granted only on 29.07.2021 and

there was hardly any time for the University to consider the applications for affiliation in respect of commencement of new courses by existing pharmacy colleges within the short period available before the last date.

Learned counsel appearing for the institutions, submitted that they could not have applied for affiliation prior to 20.03.2021 as the applications for affiliation have to be made online. The institutions have spent huge amounts for enhancing the infrastructural facilities and for employing faculty required for commencement of new courses for the Academic Year 2021-2022. Approval was rejected by PCI only on the ground that affiliation has not been granted by the University. The fact that Dr. A.P.J. Abdul Kalam Technical University approached this Court on behalf of the institutions, makes it clear that institutions cannot be found fault with for the delay in making the applications for affiliation.

Mr. Zoheb Hossain, learned counsel appearing for the PCI, submitted that counselling for admission to pharmacy courses for the Academic Year 2021-2022 is scheduled to commence on 16.09.2021. The first round of seat allotment is scheduled to be held on 20.09.2021 and the next rounds of counselling on 05.10.2021 and 02.11.2021. Any direction issued by

this Court to consider final approval of pharmacy colleges for commencement of new courses after obtaining affiliation from the Universities would disrupt the schedule that has been announced for admission to pharmacy colleges for the Academic Year 2021-2022.

Mr. Amitesh Kumar, learned counsel fairly submitted that University needs a short time for passing orders of affiliation and the PCI also requires sufficient time to consider the applications of pharmacy colleges for commencement of new courses.

Having considered the submissions of the learned counsel appearing for the parties, we are of the considered view that any relief granted to the petitioners before us for consideration of their applications for affiliation by the Universities and final approval by the PCI would disrupt the schedule for admissions for the Academic Year 2021-2022. We are mindful of the fact that there were several problems during the last Academic Year due to which the time schedules could not be adhered to. However, we are not inclined to extend the last dates that are fixed for admission and approval for the Academic Year 2021-2022. We make it clear that the applications preferred by the institutions shall be considered by the University and PCI within time for the next Academic Year 2022-2023.

All the writ petitions and applications are
disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(B.R. GAVAI)

.....J
(B.V. NAGARATHNA)

NEW DELHI;
06th SEPTEMBER, 2021

ITEM NO.1+2+3 Court 5 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

ITEM 1

Miscellaneous Application No. 1323/2021 in W.P.(C) No. 729/2021

(Arising out of impugned final judgment and order dated 11-08-2021 in W.P.(C) No. 729/2021 passed by the Supreme Court Of India)

BSA COLLEGE OF ENGINEERING & TECHNOLOGY & ORS. Petitioner(s)/
Applicant(s)

VERSUS

DR. A.P.J. ABDUL KALAM TECHNICAL UNIVERSITY & ORS. Respondent(s)

(IA No. 101753/2021 - CLARIFICATION/DIRECTION)

WITH

W.P.(C) No. 880/2021 (X)

(IA No.95734/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 901/2021 (X)

(IA No.99234/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 914/2021 (X)

(IA No.101561/2021-STAY APPLICATION and IA No.101562/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 927/2021 (X)

(IA No.103145/2021-STAY APPLICATION)

W.P.(C) No. 934/2021 (X)

(IA No.104576/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 938/2021 (X)

W.P.(C) No. 783/2021 (X)

(IA No. 83269/2021 - STAY APPLICATION)

W.P.(C) No. 928/2021 (X)

ITEM 2

W. P.(Civil) No. 930/2021

(IA No.103791/2021-STAY APPLICATION and IA No.103793/2021-EXEMPTION FROM FILING O.T., IA No. 106154/2021 - EXEMPTION FROM FILING O.T.

IA No. 106153/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

ITEM 3

**W. P.(Civil) No. 950/2021
(IA No.106749/2021-EXEMPTION FROM FILING O.T.)**

WITH

**W.P.(C) No. 951/2021 (X)
(IA No.106830/2021-EXEMPTION FROM FILING O.T.)**

**W.P.(C) No. 952/2021 (X)
(IA No.106854/2021-APPROPRIATE ORDERS/DIRECTIONS)**

Date : 06-09-2021 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MRS. JUSTICE B.V. NAGARATHNA**

For the parties:

**Mr. Manish Kumar, Adv.
Mr. Ravi Kant, Adv.
Mr. Mayank Manish, Adv.
Mr. Chandar Shekhar Singh, Adv.
Mr. Vivek Singh, Adv
Mr. C.P. Rajwar, Adv
Mr. Chandra Prakash, AoR**

**Mr.Animesh Kumar, Adv
Mr.Neeraj Shekhar, AOR
Mr.Nishant Kumar, Adv
Ms.Utkarsha Sharma, Adv
Ms.Shweta Singh, Adv**

**Ms. Binisa Mohanty, Adv.
Mr. Mritunjay Kumar Sinha, AOR**

**Mr. Zoheb Hossain, AOR
Ms. Tulika Gupta, Adv.**

**Mr. Brijendra Singh, Adv
Mr. Rana Pratap Singh, A Dv
Mr. Shishir Kumar Saxena, Adv
Mr. Jagmohan Pareek, Adv
Mr. Jagmohan Prasad, Adv
Ms. Payal Swarup, Adv
Ms. Pooja Sharma, Adv
Mr. Praveen Swarup, AOR**

Mr. Ajit Sharma, AOR

Mr. Amitesh Kumar, Adv.

Mr. Mritunjay Kumar Sinha, AOR

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

W.P.(C) No. 783/2021

Learned counsel for the petitioner seeks
permission to withdraw this writ petition.

Permission granted.

The writ petition is, accordingly, dismissed
as withdrawn.

Rest of the matters :

All the writ petitions and applications are
disposed of in terms of the Signed Order.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)