

**Minutes of 02.339<sup>th</sup> Executive Committee (EC) meeting of the Council held on 18<sup>th</sup> January, 2021 (44<sup>th</sup> Online).**

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**02.339.006:** Consideration of approval of Pharm.D course conducted at Pathfinder Institute Of Pharmacy Education And Research Opp Warangal Airport Beside Mamnoor Camp Khammam Road Warangal (Telangana).

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(PCI-1554/2021)

6.1 The latest information on record including the following orders / mails were placed and considered -

- a) orders passed by Hon'ble Supreme Court -
  - i) dt.10.6.2020 in Miscellaneous Application No(s).1031/2020 in C.A. No.9048/2012 filed by PCI. (s/48, F.No.Online Application 2020-2021 a.s.)
  - ii) dt.18.9.2020 in Writ Petition(s) (Civil) No(s).1040/2020 filed by Millennium College of Pharmacy Vs. PCI & Anr. (s/16, F.No.PCI-1371/2020)
  - iii) dt.28.10.2020 in Petition(s) for Special Leave to Appeal (C) No(s). 12112/2020 (Arising out of impugned final judgement and order dated 29.9.2020 in RP No.139 / 2020 passed by the High Court of Delhi at New Delhi) filed by Anjali College of Pharmacy and Science Vs. PCI. (s/39, F.No.PCI-104/2020(A))
- b) mail dt.17.1.2021 received from Shri Zoheb Hossain, Advocate. (s/26, F.No.02.339/2021-PCI (Agenda))
- c) mail dt.18.1.2021 received from Shri Prabhas Bajaj from the office of Shri Maninder Singh, Advocate. (s/30, F.No.02.339/2021-PCI (Agenda))

6.2 It was noted that -

- a) as per Council's Secretariat, MOU dt.19.12.2019 was not visible on the PCI portal.
- b) clarification was sought from NIC. NIC on 12.1.2021 intimated that -
  - i) institution has submitted the MOU on 19-12- 2019 through SIF Portal.
  - ii) the Institution has been notified by the Verifier on 17-02-2020 to update the hospital details between 18-02-2020 (from date) - 24-02-2020 (to date). But the institute has not updated any document.
- c) institution vide various mails has been insisting that MOU is already uploaded but never enclosed a copy of MOU.

- 6.3 Since approval process is already over and in the light of above cited mails received from the advocate and orders passed by Hon'ble Supreme Court, it was decided to -
- a) grant approval to Pharm.D course for the conduct of 1st year for 2021-2022 academic session for 30 admissions.
  - b) inspection be conducted to verify the facilities whenever conducive in the light of Covid-19.

**02.339.007:** Consideration / verification of 300 bedded hospital for approval of Pharm.D course in Akal College of Pharmacy and Technical Education, Mastuana Sahib, Sangrur (Punjab).

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(PCI-3361/2019-PCI)

- 7.1 The latest information on record was placed and considered.
- 7.2 It was noted that -
- a) the institution deleted the paragraph with regard to bed strength of the hospital from Council's prescribed format of MOU.
  - b) institution has neither submitted the prescribed affidavit with regard to submission of statutory documents nor the affiliation of the Examining Authority for Pharm.D course.
  - c) the PCI vide its latest communication dt.11.1.2021 had sought the clarification from the institution as to why the MOU was not submitted in Council's prescribed proforma and why the said paragraph reflecting the bed strength of the hospital was deleted. Reminder was issued on 13.1.2021. No clarification / reply has been submitted by the institution.
  - d) also both the hospitals i.e. Singla Surgical Hospital, Sangrur and Columbia Asia Hospital Private Ltd., Patiala do not fulfill prescribed norms with regard to bed strength of the hospital as prescribed under Appendix-B of Pharm.D Regulations, 2008.
- 7.3 In the light of above facts, it was decided to withdraw the approval of Pharm.D course already granted for the conduct of 1<sup>st</sup> year for 2020-2021 academic session for 30 admissions under intimation to the State Government and Examining Authority.

**02.339.008:** Comprehensive Note on OPJS University, Churu, Rajasthan.

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(17-586/2021-PCI (PCI-54))

8.1 The latest information on record was placed.

8.2 It was noted that -

- a) the OPJS University is a private university. As per section 7 of the OPJS University, Churu Act, 2013, the University has not been given affiliating powers.
- b) the Registrar, OPJS University has submitted a duly attested affidavit on stamp paper to PCI that Agarwal Pharmacy College is a Constituent Unit of OPJS University, Churu.
- c) now while applying online for extension of approval for 2020-2021 academic session, Agarwal Pharmacy College has applied online for change of Examining Authority from OPJS University to Charbhujia Kanak University Merta City.
- d) If Agarwal Pharmacy college is a constituent unit of OPJS University, the change of examining authority issue does not arise and the institution/University can seek only Extension of Approval or closure of the program.
- e) with regard to other pharmacy institutions showing OPJS as an affiliation University, it was noted that UGC vide letter dt.17.5.2018 has intimated the Council that the UGC has not granted any approval to the University to open off campus / study centre. The UGC has not granted any approval to OPJS University to run courses through Global Pharmacy College, Agarwal Pharmacy College, Ganpati Pharmacy College or Prabhakar Pharmacy College. Degrees awarded to the students through these off-campus will not be treated as valid for Higher Education and Employment.
- f) it was noted that the matter stands forwarded to Chairman, Law Committee, PCI.

8.3 In view of above, it was decided to await the opinion of Chairman, Law Committee.

- 02.339.009:**
- i) Consideration of order dt.22.12.2020 in W.P. (STAMP) No.98097 of 2020 in respect of diploma course conducted at Jijamata College of Pharmacy, Jalna (Maharashtra). (PCI Respondent No.4)
  - ii) Refund of double affiliation fees as a penalty.

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(PCI-1016/2019)

9.1 The latest information on record including the following orders / mails were placed and considered -

- a) orders passed by Hon'ble Supreme Court -
  - i) dt.10.6.2020 in Miscellaneous Application No(s).1031/2020 in C.A. No.9048/2012 filed by PCI. (s/48, F.No.Online Application 2020-2021 a.s.)

- ii) dt.18.9.2020 in Writ Petition(s) (Civil) No(s).1040/2020 filed by Millennium College of Pharmacy Vs. PCI & Anr. (s/16, F.No.PCI-1371/2020)
- iii) dt.28.10.2020 in Petition(s) for Special Leave to Appeal (C) No(s). 12112/2020 (Arising out of impugned final judgement and order dated 29.9.2020 in RP No.139 / 2020 passed by the High Court of Delhi at New Delhi) filed by Anjali College of Pharmacy and Science Vs. PCI. (s/39, F.No.PCI-104/2020(A))
- b) mail dt.17.1.2021 received from Shri Zoheb Hossain, Advocate. (s/26, F.No.02.339/2021-PCI (Agenda))
- c) mail dt.18.1.2021 received from Shri Prabhas Bajaj from the office of Shri Maninder Singh, Advocate. (s/30, F.No.02.339/2021-PCI (Agenda))

9.2 It was decided to -

- a) file an appeal against order dt.22.12.2020 in the above cited Writ Petition on urgent basis.
- b) return the penalty fee.

**02.339.013:** Consideration of common order dt. 5.1.2021 (s/58) on writ appeal filed by PCI against order dt.19.11.2020 (S/15)File No.-PCI-4787) passed by Hon'ble High Court of Karnataka in respect of following institutions –

- i) WA No. 747/2020 filed by PCI Vs. Shifa College of Pharmacy (PCI-4787)
- ii) WA No. 746/2020 filed by PCI Vs. Rajeev College of Pharmacy (PCI-4786)
- iii) WA No. 748/2020 filed by PCI Vs. Sidramappa Danigond Memorial Trust (17-46(9)/2020)

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F.No PCI-4787/2020-PCI  
PCI-4786/2020-PCI  
17-46(09)/2020-PCI  
14-56/2019-PCI Moratorium

13.1 The latest information on record including the following orders / mails were placed and considered -

- a) orders passed by Hon'ble Supreme Court -
  - i) dt.10.6.2020 in Miscellaneous Application No(s).1031/2020 in C.A. No.9048/2012 filed by PCI. (s/48, F.No.Online Application 2020-2021 a.s.)
  - ii) dt.18.9.2020 in Writ Petition(s) (Civil) No(s).1040/2020 filed by Millennium College of Pharmacy Vs. PCI & Anr. (s/16, F.No.PCI-1371/2020)
  - iii) dt.28.10.2020 in Petition(s) for Special Leave to Appeal (C) No(s). 12112/2020 (Arising out of impugned final judgement and order dated 29.9.2020 in RP No.139 / 2020 passed by the High Court of Delhi at New Delhi) filed by Anjali College of Pharmacy and Science Vs. PCI. (s/39, F.No.PCI-104/2020(A))

- b) mail dt.17.1.2021 received from Shri Zoheb Hossain, Advocate. (s/26, F.No.02.339/2021-PCI (Agenda))
- c) mail dt.18.1.2021 received from Shri Prabhas Bajaj from the office of Shri Maninder Singh, Advocate. (s/30, F.No.02.339/2021-PCI (Agenda))

13.2 It was decided to file a modification application in Hon'ble Karnataka High Court against order dt.5.1.2021 passed by Division Bench of Hon'ble Karnataka High Court.

**02.339.014:** Consideration of order dt. 5.11.2020 received on 7.12.2020 passed by Hon'ble High Court of Karnataka, Kalaburagi Bench in Writ Petition No. 225561/2020(EDN-RES) filed by Sun Rise College of Pharmacy, Chidri Ring Road, Bidar (Karnataka) and others V/s Pharmacy Council of India and others.  
[(s/15) File No.17-46(02)/2019-PCI

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(17-46(02)/2019)

14.1 The latest information on record including the following orders / mails were placed and considered -

- a) orders passed by Hon'ble Supreme Court -
  - i) dt.10.6.2020 in Miscellaneous Application No(s).1031/2020 in C.A. No.9048/2012 filed by PCI. (s/48, F.No.Online Application 2020-2021 a.s.)
  - ii) dt.18.9.2020 in Writ Petition(s) (Civil) No(s).1040/2020 filed by Millennium College of Pharmacy Vs. PCI & Anr. (s/16, F.No.PCI-1371/2020)
  - iii) dt.28.10.2020 in Petition(s) for Special Leave to Appeal (C) No(s). 12112/2020 (Arising out of impugned final judgement and order dated 29.9.2020 in RP No.139 / 2020 passed by the High Court of Delhi at New Delhi) filed by Anjali College of Pharmacy and Science Vs. PCI. (s/39, F.No.PCI-104/2020(A))
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- c) mail dt.18.1.2021 received from Shri Prabhas Bajaj from the office of Shri Maninder Singh, Advocate. (s/30, F.No.02.339/2021-PCI (Agenda))

14.2 It was decided to file an appeal against the order dt.5.11.2020 passed by Hon'ble High Court of Karnataka in the above cited petition.

**02.339.015:** Consideration of order dt.10.12.2020 passed by Hon'ble High Court of Karnataka, Dharwad Bench on Writ Petition No. 116890/2019(EDN-RES) filed by Dr. Ravi Patil College of Pharmacy Vijay Laxmi Building Sadashivnagar Belagavi-590001, Karnataka and others V/s Pharmacy Council of India and others.

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(PCI-4609/2019)

15.1 The latest information on record including the following orders / mails were placed and considered -

a) orders passed by Hon'ble Supreme Court -

- i) dt.10.6.2020 in Miscellaneous Application No(s).1031/2020 in C.A. No.9048/2012 filed by PCI. (s/48, F.No.Online Application 2020-2021 a.s.)
- ii) dt.18.9.2020 in Writ Petition(s) (Civil) No(s).1040/2020 filed by Millennium College of Pharmacy Vs. PCI & Anr. (s/16, F.No.PCI-1371/2020)
- iii) dt.28.10.2020 in Petition(s) for Special Leave to Appeal (C) No(s). 12112/2020 (Arising out of impugned final judgement and order dated 29.9.2020 in RP No.139 / 2020 passed by the High Court of Delhi at New Delhi) filed by Anjali College of Pharmacy and Science Vs. PCI. (s/39, F.No.PCI-104/2020(A))

b) mail dt.17.1.2021 received from Shri Zoheb Hossain, Advocate. (s/26, F.No.02.339/2021-PCI (Agenda))

c) mail dt.18.1.2021 received from Shri Prabhas Bajaj from the office of Shri Maninder Singh, Advocate. (s/30, F.No.02.339/2021-PCI (Agenda))

15.2 It was decided to file the appeal against order dt.10.12.2020 passed by Hon'ble High Court of Karnataka in the above cited petition.

**02.339.017:** The PCI approved institutions which have been closed earlier / did not make admissions / did not apply to PCI earlier – Now approaching the PCI for approval but not able to do so in the light of Council's Moratorium.

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F.No.32-396/2012-PCI  
14-56/2019(A)

17.1 The latest information on record was placed.

17.2 It was decided to seek legal opinion in the matter.

**02.339.021:** Consideration of approval of 2018-2019 admitted batch (D.Pharm course) conducted at Gahlot Institute of Pharmacy, Plot No.59, Sector – 14, Koper Khairane, Navi Mumbai – 400 709.

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(PCI-657/2020)

21.1 The latest information on record was placed.

21.2 It was noted that 107 CC (Aug., 2019) has already approved the admission of 60 students to first year D.Pharm course during 2018-2019 as certified by the Examining Authority, as one time arrangement without citing a precedence.

21.3 In the light of above, it was decided that approval to the D.Pharm course and examination u/s 12 of the Pharmacy Act, 1948 in respect of 60 students admitted during 2018-2019 academic session as certified by the Examining Authority be granted.