



# भारतीय भेषजी परिषद्

( भेषजी अधिनियम, 1948 के अंतर्गत स्थापित )

## PHARMACY COUNCIL OF INDIA

( CONSTITUTED UNDER THE PHARMACY ACT, 1948 )

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Speed Post

1. The Secretary  
Health & F.W. Deptt.  
Govt. of Himachal Pradesh  
Himachal Pradesh Secretariat  
SHIMLA - 171 002 (Himachal Pradesh)
2. The Registrar,  
Himachal Pradesh Pharmacy Council,  
S.D.A. Complex  
SHIMLA - 171 009 (H.P.)

13 JUL 2011



**Sub: Registration of pharmacists-Renewal of registration under section 34 of the Pharmacy Act, 1948.**

Sir

I am directed to invite your attention to the judgment dated the 2<sup>nd</sup> June, 2011 delivered by the Hon'ble High Court of Himachal Pradesh, Shimla in CWP No. 157/2010, filed by Dina Nath Dhawan V/s State of Himachal Pradesh and Others alongwith CWP No. 4226/2010, filed by Himachal Pradesh Chemist Distribution Federation V/s State of Himachal Pradesh and others on the above subject for urgent necessary action within the specified time period under intimation to this council.

Yours faithfully

(ARCHNA MUDGAL)  
Registrar-cum-Secretary

CC to

1. All State Govts./Union Territories (Deptt. of Health / Technical Education) (except H.P.)
2. All State Pharmacy Councils / Registration Tribunals (except H.P.)

For information and similar action within specified time frame. A copy of the aforesaid judgment is enclosed.

(ARCHNA MUDGAL)  
Registrar-cum-Secretary





IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA.

CWP No. 157/2010  
alongwith CWP No.4226/2010  
Reserved on: 25.5.2011  
Decided on:2.6. 2011

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1. CWP No. 157/2010  
Dina Nath Dhawan. ...Petitioner.  
Versus  
State of H.P. and others. ...Respondents.

2. CWP No. 4226/2010  
Himachal Pradesh Chemist Distribution Federation.  
...Petitioner.  
Versus  
State of H.P. and others. ...Respondents.

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Coram:

Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting? <sup>1</sup> Yes

(in all the petitions)

For the petitioner(s) : Mr. Vikas Rajput, Advocate.

For the Respondents: Mr. R.P. Singh, Assistant Advocate  
General for respondent No.1.

Mr. S.C. Sharma, Advocate vice counsel for  
respondents No.2 and 3

Mr. Sandeep Sharma, Assistant solicitor  
General of India for respondent No.4.

Justice Rajiv Sharma, Judge

Since common questions of law and facts are  
involved in both the petitions, the same were taken up

Whether reporters of the local papers may be allowed to see the judgment? Yes.

together for hearing and are being disposed of by a common judgment. However, in order to maintain the clarity, the facts of CWP No. 157/2010 are being taken into consideration.

2. Material facts necessary for the adjudication of these petitions are that the name of the petitioner was registered in the First Register of Pharmacists, under section 31 (a) (b), (c), (d) of the Pharmacy Act, 1948 (hereinafter referred to as the 'Act' for brevity sake) on 28.8.1969. Thereafter the same was renewed for life time; in the year 1983-84, vide Annexure P-2. Respondent No.3 has taken a decision on 26.5.2009 to carry out renewal after every five years and the same was to be carried out wise and periodically. Renewal fee for the same is to be ₹ 500/- up to six months and with late fee of ₹ 50/- per month up to six months from the date of renewal. Thereafter, public notice was issued by respondent No.3 on 15.11.2009.

3. Mr. Vikas Rajput has strenuously argued that issuance of Annexures P-3 and P-4 is in contravention of the provisions of the Act. According to him, neither respondents No.1 to 3 nor respondent No.4 have jurisdiction on the basis of which Annexures P-3 and P-4 could be issued.



4. Mr. Sandeep Sharma, learned Assistant Solicitor General of India, Mr. R.P. Singh, learned Assistant Advocate General and Mr. S.C. Sharma have vehemently argued that the decisions have been taken in the larger public interest and the same is in conformity with the provisions of the Act.

5. I have heard the learned counsel for the parties and have perused the pleadings carefully.

6. It will be apt at this stage to refer to salient features of the Pharmacy Act, 1948. The enactment has been made to make provisions for the regulation of the profession and practice of pharmacy and for that purpose to constitute Pharmacy Councils. According to the Statement of Objects and Reasons of the Act, it was desirable that, as in most other countries, only persons who have attained a minimum standard of professional education should be permitted to practice the profession of pharmacy. Accordingly, it was proposed to establish a Central Council of Pharmacy, which has to prescribe the minimum standards of education and approve courses of study and examinations for Pharmacists, and Provincial Pharmacy Councils, which were responsible for the maintenance of provincial registers of qualified Pharmacists. It was further proposed to empower Provincial

