

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21<sup>ST</sup> DAY OF NOVEMBER, 2025



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT APPEAL NO. 1166 OF 2025 (EDN-RES)

**BETWEEN:**

1. MR. APPUTHA RAJ  
S/O. VELANGANNI A  
DHANASEKAR  
AGED ABOUT 24 YEARS  
RESIDING AT MALLAPPA LAYOUT  
BENGALURU - 560 049  
REG NO: ACP24DRAF007  
PURSUING 1<sup>ST</sup> YEAR  
MPHARMA - DRAF COURSE

...APPELLANT

(BY SRI PARASHURAM A.L., ADVOCATE)

**AND:**

1. RAJIV GANDHI UNIVERSITY  
OF HEALTH SCIENCES  
4<sup>TH</sup> 'T' BLOCK, JAYANAGAR  
BENGALURU - 560 041  
REPRESENTED BY ITS  
VICE CHANCELLOR.
2. ACHARYA & BM REDDY  
COLLEGE OF PHARMACY  
NEAR HESARAGHATTA MAIN ROAD



SOLADEVANAHALLI  
CHIKKABANAVARA POST  
BENGALURU  
KARNATAKA - 560 090  
REPRESENTED BY ITS  
PRINCIPAL

3. MS. DAKSHATHA M  
D/O. MUNEGOWDA R  
AGED ABOUT 24 YEARS  
RESIDING AT KOLAR  
KARNATAKA - 563 101  
REG NO: ACP24DRAF008  
PURSUING 1<sup>ST</sup> YEAR  
MPHARMA - DRAF COURSE  
ALSO AT:  
NEW METRO GIRLS PG  
WAY TO ACHARYA COLLEGE OF NURSING  
THAMMENAHALLI VILLAGE  
BENGALURU - 560 107

4. PHARMACY COUNCIL OF INDIA  
1-300, 3<sup>RD</sup> FLOOR, TOWER-1  
NAVROSI NAGAR, NEW DELHI - 110 029  
THROUGH ITS REGISTRAR CUM SECRETARY

...RESPONDENTS

(BY SMT. MAMATHA G. KULKARNI, ADVOCATE FOR R-1,  
SRI NANDEESH C.B., ADVOCATE FOR R-2 &  
SRI S.S. HAVERI, ADVOCATE FOR R-4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET ASIDE  
ORDER OF THE LEARNED SINGLE JUDGE DATED 30.06.2025  
IN WRIT PETITION No. 7679/2025 AND CONSEQUENTLY  
ALLOW THE WRIT PETITION No. 7679/2025 FILED BY  
APPELLANT/PETITIONER & ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE  
and  
HON'BLE MR. JUSTICE C M JOSHI

**CAV JUDGMENT**

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 30.06.2025 passed by the learned Single Judge of this Court in W.P.No.7679/2025 (EDN-RES), whereby the said petition was dismissed.

2. The appellant had filed the said petition, *inter alia*, praying for issuance of a writ of mandamus or any other appropriate order or direction to respondent No.1 [hereafter '**the University**'] and respondent No.2 [hereafter '**the College**'] to recognize and reinstate the appellant to the academic batch of 2024-2025 of the two year course of Masters in Pharmacy (Drug Regulatory Affairs) [**M.Pharma - DRAF**].

3. At the material time, the appellant was a first year student of the M.Pharma-DRAF course and had been enrolled in the College under the management quota.

4. The appellant's enrolment was cancelled and he was not permitted to attend the classes with effect from 15.02.2025. The College had admitted one student beyond the permissible sanction and therefore, was required to reduce the strength by one student. The appellant claimed that he could not have been removed from the College as he was not at fault. The appellant sent a representation to the University by an email dated 17.02.2025, requesting that he be reinstated as student in the batch of 2024-2025.

5. The appellant had contended that his removal was unjustified, arbitrary and unlawful. The appellant also addressed a complaint to the University Grants Commission [**UGC**] against his removal.

6. Since the appellant's representations were not accepted, the appellant filed the writ petition on the ground that respondent No.4 [**Pharmacy Council**] had unequivocally declined to grant any

relaxation for regularising excess admission and the College could not admit students beyond the limit as prescribed.

7. The learned counsel for the appellant had earnestly contended that the appellant's future is at stake and he would lose a year if the relief, he sought for is not granted. He also submitted that since the appellant had been enrolled in the College, he could not have been removed for reasons that were not attributable to him. Thus, if the College had enrolled students in excess of the permissible sanction, the intake of number of students could be temporarily enhanced. In the alternative, he submitted that in the event the admission of one student was required to be deleted, the admission granted to respondent No.3 was required to be cancelled as she was admitted after the admission was granted to the appellant. He contended that the removal of the appellant was thus, arbitrary and liable to be struck down.

8. First and foremost question to be addressed is whether the intake of number of students can be relaxed.

9. We have given our anxious thought to the said question considering the appellant's predicament. We may note that initially the Pharmacy Council was not arrayed as a respondent in the writ

petition, however, it was contented that the appellant's admission has been cancelled on account of the College admitting the students in excess of the limit as sanctioned by the Pharmacy Council. In view of the same, the Pharmacy Council was added as a respondent.

10. At the hearing held on 01.04.2025 before the learned Single Judge, it was contented on behalf of the Pharmacy Council that in the event, the College makes an application for approval to admit the appellant as well as respondent No.3, the Pharmacy Council would consider the request and take an appropriate decision. Accordingly, the learned Single Judge directed the College to make a request to the Pharmacy Council for approving the admission of the appellant to the academic year 2024-2025 as a special case. Further, directions were issued to the Pharmacy Council to consider the said request and pass appropriate orders within a period of four weeks from the date of submission of the said application.

11. In compliance to the said order, the request was made by the College. However, the Pharmacy Council considered and rejected the said request.

12. In view of the above, the learned Single Judge dismissed the writ petition.

13. It is the case of the College that, an oversight had occurred during the admission process for the M.Pharma-DRAF course and it claimed that despite its diligent efforts to ensure accuracy through the ERP system for admissions and administrative activities, a technical glitch in the software had inadvertently allowed the processing of additional admissions beyond the sanctioned intake. However, the same was discovered only after the students had reported to the classes.

14. The College had also agreed to surrender two admissions from the intake quota for the academic year 2025-26 as a corrective measure. However, the Pharmacy Council had not accepted the College's offer for the reason that it had prescribed a mandatory teacher-student ratio, which was required to be maintained uniformly by all pharmacy institutions.

15. The reasons for rejecting the request for relaxation made by the College, as articulated by the Pharmacy Council in the email dated 23.06.2025 is set out below:

"The PCI, through the Regulations governing various pharmacy courses, has prescribed a mandatory teacher-student ratio that must be maintained uniformly by all pharmacy institutions. Permitting admissions in excess of the sanctioned intake directly undermines this ratio, leading to the dilution of academic standards and adversely affecting the quality of pharmacy education. Given that pharmacy education falls within the ambit of healthcare, such dilution poses a serious threat to the integrity of health care services in the country.

Furthermore, any concession or relaxation allowing institutions to regularize excess admissions would set a detrimental precedent and open the floodgates for similarly placed institutions to seek ex post facto approvals for unauthorized admissions, thereby eroding the regulatory discipline and minimum educational standards prescribed by PCI.

It is therefore, intimated that any admission made in excess of the sanctioned intake, in violation of the norms and regulations prescribed by the Pharmacy Council of India, shall be deemed unlawful and void ab initio. No institution has the authority to unilaterally exceed the intake capacity approved by the PCI, and any such admission cannot be regularized post facto under law."

16. There is no dispute that the Pharmacy Council is empowered to regulate the education and profession of Pharmacy in India under the Pharmacy Act, 1948 and the regulations made thereunder.

17. There is no cavil that the regulations and the norms prescribed by the Pharmacy Council are mandatory and required

to be complied with. Thus, the decision of the Pharmacy Council to strictly follow its regulations cannot be faulted.

18. In the aforesaid view, we are unable to accept that this Court can issue any directions for regularising admissions beyond the permissible limit as mandated under the relevant regulations.

19. The next question to be examined is whether the admission of respondent No.3 was required to be cancelled instead of the appellant.

20. The Assistant Director, Department of Admissions, Acharya Group of Institutions-College has filed an affidavit affirming that the admission to the College under the management quota in the M.Pharm-DRAF course is made on first come first serve basis. It denied the contention that between the appellant and respondent No.3, the appellant had been admitted to the course first.

21. The extract of fees collected from the appellant and respondent No.3 is enclosed with the said affidavit. The same indicates that respondent No.3 had applied for the course on 05.04.2024 and the appellant had applied for the same on 31.05.2024. Thereafter, the offer letters were sent to respondent

No.3 and the appellant on 16.05.2024 and 09.05.2024 respectively. Respondent No.3 had accepted the offer online on 16.05.2024 and had paid the registration amount on the same day that is, on 16.05.2024. Although the records indicate that the appellant had paid the registration amount of Rs.25,000/- on 09.05.2024, which was prior to respondent No.3 making the said payment, the remaining amount was paid on 01.07.2024. Respondent No.3 had paid the fee on 31.05.2024, that is, prior to the payment made by the appellant.

22. The offer letter clearly indicated that, to secure the admission the candidates were required to digitally accept the offer by clicking "Accept Now" button in the acceptance letter, which was attached with the offer letter. It is relevant to refer to the terms and conditions annexed with the offer letter. The same is set out below:

- "(i) Delayed fee payments will incur a late fee.
- (ii) Registration fees are to be paid exclusively through the link provided in the Acceptance Letter.
- (iii) The balance fee is to be transacted through the individual login of the ERP Portal/ACERP APP.
- (iv) Cash payments for fees are not accepted.

(v) Students are responsible for the payment of exam and convocation fees as prescribed by the Board/University.

(vi) Admission ID is generated upon successful payment of the registration fee.

(vii) A Provisional Admission letter, including admission details and the student's official Acharya email ID with the password, will be sent upon Admission ID generation. On completion of course email ID will be deactivated.

(viii) Admission will be finalized upon submission, verification of original documents, and approval from the respective Board/University.

(ix) To complete the enrolment process, we kindly request you to submit the original documents (Marks sheets of relevant academic years) with 2 sets of photocopies from your previous college or a provisional letter within two days from the issuance of this offer letter.

(x) Failure to submit the aforementioned documents within the stipulated timeframe may result in the cancellation of your admission.

(xi) Please ensure that all documents are authentic and duly attested. If you face any challenges or require an extension, kindly contact the Admission Office at (admissions@acharya.ac.in) at the earliest.

(xii) Failure to complete admission formalities and payment as prescribed may result in the withdrawal of provisional admission.

(xiii) Fees are subject to change."

[emphasis added]

23. The appellant did not accept the offer through the electronic mode, but had accepted the same physically. He did not pay the registration fee electronically but through physical mode.

24. The appellant had visited the College and accepted the offer physically. He had also paid the registration fee in cash on 09.05.2024. The same was not in accordance with the letter of offer and thus, was not recorded in the system.

25. Respondent No.3 had visited the campus on 04.04.2024 and had applied to the course on 05.04.2024. Admittedly, her application was prior in time than the appellant's application. The appellant had visited the campus on 17.04.2024 and had applied to the course on 31.05.2024.

26. Since the appellant had not furnished the acceptance of the letter online, the same was not registered in the system. However, the appellant had paid the registration amount of Rs.25,000/- on 09.05.2024 and had accepted the letter of offer physically (which was not in accordance with the terms of the offer letter). The terms and conditions annexed with the offer letter clearly indicated that admission granted would only be provisional and the candidates

were required to complete other admission formalities and payment as prescribed.

27. Consolidated tuition fee, university and other fees were paid by respondent No.3 on 31.05.2024 and the appellant had made the payment on 01.07.2024. Thus, the admission of respondent No.3 was confirmed prior to the appellant.

28. In the given circumstances, we are unable to accept that the admission of respondent No.3 was required to be cancelled instead of the appellant.

29. In view of the above, as there are no grounds to fault the decision of the learned Single Judge, the appeal is dismissed.

30. Pending application also stands disposed of.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(C M JOSHI)  
JUDGE**