

Recommendations of 02.432nd Executive Committee (EC) meeting of the Council held on 23rd September, 2025 at PCI Office, New Delhi for 121/CC scheduled to be held on 22nd & 23rd November, 2025 at Banaras.

AGENDA ITEMS

02.432.001: Letter No No.DCA/D&D/LA/2025-2026/UT dt 19.9.2025 received from Special Secretary Department of Health & Family Welfare, UT of DNH&DD vide mail dt. 19.9.2025 withholding of Nomination of Dr. Montu kumar M Patel as a member u/s 3 (h) of the Pharmacy Act, 1948.

File no 18-10/2025-PCI (DNH&DD)

- 1.1 The latest information on record was placed before EC and considered.
- 1.2 After going to the detailed office note submitted by the office of the PCI along with the details of four court cases held in past, it was noted as under -
 - a. The Union Territory of DNH&DD, wrote an email dated 19.09.2025 stating that the nomination of Dr. Montukumar Mukeshkumar Patel as a nominee member from the Union Territory of DNH&DD in PCI clause (h) of Section 3 stands withheld on administrative grounds with immediate effect.
 - b. Section 7 of the Pharmacy Act, 1948, defines the term of membership for an elected or nominated member in PCI for 5 years or until a successor is duly appointed, whichever is longer.
 - c. Further, as submitted in the office note in the case of High Court of Tripura vide order dt. 25.2.2023 and going through brief facts of the case in WP (C) 654 of 2022 filed by Shri Nilimanka Das Vs the State of Tripura & Ors held as under-
 8. *“On conjoint reading of Sub-Sections (1), (2), (3), (4) of Section 7 of the said Act, 1948, it manifests that term of nominated member shall not be less than 5(five) years and it may be extended beyond the period of 5(five) years till new member is nominated or elected. Casual vacancy will arise if the nominated member resigns and his seat becomes vacant. Casual vacancy shall also arise if such nominated member is found absent from three consecutive meetings of the Central Council without any excuse. The words, „sufficient in the opinion of the Council” mean and connote that if such member gives any excuse or assigns any reasons for such absence, the Central Council shall decide the merits of such excuse and if the Council finds no merit and rejects the same, then, the seat of such member shall be deemed to have vacated. Again, the seat of the nominated member shall be deemed to have vacated if he is elected under clause (a), (c) or (g) of Section 3 of the Act, 1948.”*
 9. *In view of the above discussion, it cannot be said that State government has the absolute authority to cancel the nomination once one member is nominated as State Member to PCI due to the contingencies ingrained under Section 7 of the said Act, 1948. It is, thus, held that the power of cancellation of nominated member to PCI is to be exercised keeping in mind the limitations and the contingencies encrypted under subsections (2), (3) and (4) of Section 7 of the said Act, 1948.*

- d. Similarly, in other two cases of the office note submitted by the office of PCI, issues are factually similar to the present matter came before Hon'ble High Court of Rajasthan Jaipur Bench (Shri Naveen Sanghi case) and Hon'ble High Court of Bombay, Nagpur Bench, (Dr.Pramod Yeole Case). These High Courts have also took decision upon similar lines. The decisions of these Courts are annexed as **Annexure-1 & 2 respectively**.
- e. The Ministry of Health and Family Welfare, GOI, New Delhi vide letter dated 22.09.2025, directed PCI that –
- As the Central Government constitutes the Central Council, PCI is hereby directed that Dr. Montu Kumar Patel no longer being a member of the PCI and hence ceases to be the President of the Pharmacy Council of India. Further, action for holding fresh election of President by Central Council within three months of receipt of this order may be initiated. During the interim period, Shri Jasubhai Hirabhai Chaudhari, Vice-President, PCI may serve as the President of the PCI.*
- f. The Registrar-cum-Secretary, without approval or knowledge of the Vice President or the EC, wrote a letter dated 22.09.2025 to Dr. Montu Kumar M. Patel, informing him membership u/s 3(h) of the Pharmacy Act, 1948 ceases to operate and consequently your position as a President of the Council, stands dis-continued.
- g. However, Registrar cum Secretary further submitted that he has forwarded the communication dt.22.09.2025 issued to Dr.Montu Kumar M. Patel as per the Act and the direction of the Ministry.
- 1.3 In view of above, it was decided as under –
- a. The letter dated 19.09.2025 addressed by the Union Territory of DNH&DD cannot be accepted or processed, as there is no provision in the Pharmacy Act, 1948, which empowers the State Government or Union Territory to withhold the nomination of any member to the PCI and accordingly the letter dated 22.09.2025 issued by the Ministry of Health and Family Welfare cannot be accepted or processed.
- b. The decision taken by the Registrar-cum-Secretary is not conducive and as per the provisions of the Pharmacy Act and observation of the Hon'ble Courts, hence the letter dated 22.09.2025 (5:44 PM) bearing Ref No. 18-10/2024-PCI stands null and void.
- c. The PCI office shall communicate this position in writing to all concerned.
- 1.4 It was also decided to take action in anticipation of comments from the EC members on the EC minutes.

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 3035/2020

Naveen Sanghi S/o Shri Umrao Mal Sanghi

----Petitioner

Versus

The State of Rajasthan and ors.

----Respondents

For Petitioner(s) : Mr. Rajendra Prasad, Senior Advocate
with Mr. Sandeep Pathak

For Respondent(s) :

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

28/02/2020

Issue fresh notice to the respondents.

PF and notices may be filed in two sets. One set of notices may be sent by registered post with acknowledgment due and another by ordinary course.

Till further orders, operation of the order dated 23.01.2020 issued by Pharmacy Council of India shall remain stayed.

Sd/

(MAHENDAR KUMAR GOYAL),J

MADAN MEENA /17



खर्ची-प्रतिलिपि
अनाधिक अधिक न्यायिक
संज्ञकस्थान जयपुर
जयपुर 28/2/20

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2502 of 2024

[Dr.Pramod S/o Govindrao Yeole **VERSUS** All India Council for Technical Education, through its Member Secretary, New Delhi and others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri B.G. Kulkarni, Counsel for Petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 15th APRIL, 2024

1. Heard Shri B.G. Kulkarni, learned counsel for the petitioner.
2. Drawing support from the communication issued by the respondent No.2-Pharmacy Council of India dated 24-5-2021 whereby nominating the petitioner under Section 3(f) of the Pharmacy Act, 1948 for a period from 25-5-2021 to 24-5-2026 as per Section 7(1) of the Act of 1948, it is the contention of the learned counsel for the petitioner that the tenure of the petitioner ought not to have been restricted to three years. The learned counsel would claim that there is no provision in the Act of 1948 to reduce such tenure from five years to three years.
3. Issue notice before admission to the respondents, returnable on 10-6-2024.
4. Considering the communication issued by the respondent No.2-Pharmacy Council of India dated 24-5-2021 whereby the tenure of the petitioner is fixed

from 25-5-2021 to 24-5-2026, we direct the *status quo* as on today be maintained.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR