

**Judgements dtd.3.7.2017 in C.A No. 8121/2004-Ranjan Sinha & Anr V/s Ajay Kumar Vishwa karma & Ors. and CA No. 8382/2017(arising out of SLP(Civil) No. 1963/2006)PCI V/s Dr.Atmaram Dariyani & Ors.**

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The operative part of the above two judgements are reproduced below:-

**CA No. 8121/2004**

**Ranjan Sinha & Anr V/s Ajay Kumar ishwakarma & Ors.**

- a. “First Register prepared by erstwhile State of Bihar is to be treated as the First Register for newly formed State of Jharkhand and State of Bihar.
- b. The First Register as prepared by the erstwhile State of Bihar is to be bifurcated based on the territorial nexus with the residential address as provided by the pharmacists at the time of registration.
- c. The State of Jharkhand is at liberty to take all necessary steps to constitute a State Council.
- d. Those pharmacists who are registered in the First Register of the erstwhile State of Bihar, before the enforcement of Education Regulation made by the Central Pharmacy Council, and who do not wish to practice in the State in which their residential address falls are at liberty to register themselves in the other State in accordance with Section 32 (2) of the Pharmacy Act. Here we make it clear that such of those pharmacists whose names were registered in the First Register prepared by the erstwhile State of Bihar, need to formally seek registration under Section 32(2) of the Act in the State of Jharkhand and they need not satisfy the qualification prescribed by the Education Regulation.

**Illustration No.1-** If ‘A’ has his name registered in the first register of erstwhile State of Bihar. He is at liberty to get his name registered in the State of Jharkhand as per Section 32 (2) of the Act. Further ‘A’ need not fulfil the qualification as prescribed under the Education Regulation.”

**CA No. 8382/2017**

(Arising out of SLP (Civil) No. 1963 of 2006) PCI V/s Dr. Atmaram Dariyanai & Ors).

- a. "First Register prepared by erstwhile State of Madhya Pradesh is to be treated as the First Register for newly formed State of Chhattisgarh and State of Madhya Pradesh.
- b. The First Register as prepared by the erstwhile State of Madhya Pradesh is to be bifurcated based on the territorial nexus with the residential address as provided by the pharmacists at the time of registration.
- c. Those pharmacists who are registered in the First Register of the erstwhile State of Madhya Pradesh, before the enforcement of Education Regulation made by the Central Pharmacy Council, and who do not wish to practice in the State in which their residential address falls are at liberty to register themselves in the other State in accordance with Section 32 (2) of the Pharmacy Act. Here we make it clear that such of those pharmacists whose names were registered in the First Register prepared by the erstwhile State of Madhya Pradesh, need to formally seek registration under Section 32(2) of the Act in the State of Chhattisgarh and there need not satisfy the qualification prescribed by the Education Regulation.

**Illustration No.1-** If 'A' has his name registered in the First Register of erstwhile State of Madhya Pradesh. He is at liberty to get his name registered in the State of Chhattisgarh as per Section 32 (2) of the Act. Further 'A' need not fulfil the qualification as prescribed under the Education Regulation.

- d. The constitution of the Registration Tribunal by the State of Chhattisgarh and consequent registrations carried out by the aforesaid Registration Tribunal are invalid and illegal."