

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP (C) No. 3168 of 2026)

DEEPAK KUMAR & ORS.

... APPELLANTS

VERSUS

STATE OF U.P. & ANR.

... RESPONDENTS

O R D E R

1. Leave granted.

2. The present appeal has been preferred against impugned judgment dated 08.01.2026 in Writ Appeal No. 82 of 2026 passed by the High Court of Judicature at Allahabad ('High Court').

3. On 27.02.2026, this Court passed the following order: -

"1. Issue fresh notice to Respondent No.2, U.P. Public Service Commission, returnable on 10.04.2026.

2. In the meantime, learned senior counsel may examine the judgment of State of Haryana vs. Krishan Kumar & Ors. [Civil Appeal Nos. 1725-1731 of 2023] as referred in the order dated 22.01.2026"

4. Subsequent to the impugned judgment of the High Court, this Court has settled the issue for the same post i.e., Drug Inspector in the judgement in **State of Haryana v. Krishan Kumar and Ors.**, reported in **2026 INSC 63**. In the present case, the issue involves the same post in the state of Uttar Pradesh. The ratio of the judgement passed by this Court is as follows: -

"43. ... The D&C Act being a central law confers power to the Central Government to prescribe the qualification for appointment of Inspectors, which has been exercised by framing the Drug Rules. Thus, it is the primary legislation on the subject and occupies the field. The Drug Rules, were framed by the Central Government in exercise of powers conferred by the D&C Act. The Rules of 2018 framed by the State of Haryana under the proviso to Article 309 of the Constitution of India cannot override the Drug Rules in so far as it relates to prescription of qualification for appointment of Inspector. Similar is the case in the State of Karnataka where the Rules of 2013 were framed in exercise of powers under Section 3(1)(b) of the KSCSA.

...

50. In our view, the findings recorded by the High Court, inter-alia observing that in the context of the D&C Act for the purpose of prescribing the qualification for the Inspectors i.e., DI/DCO, the field is occupied by the Drugs Rules. The rules framed by the State Government under the proviso to Article 309 of the Constitution of India by adding experience in addition to the qualification prescribed by the Drugs Rules cannot be made applicable for their appointment as Inspectors. Similar analogy shall follow in the case of State of Karnataka, therefore, we are not impressed by the arguments as advanced on behalf of the State of Haryana as well

as the State of Karnataka. As such, the arguments stand repealed, upholding the reasoning arraigned by both the High Courts.

...

53. The proviso to Rule 49 makes a distinction in the discharge of the duties of the Inspectors, whereby an Inspector having not less than 18 months of experience in the manufacture of at least of one of the substances specified in Schedule C; or has experience in testing of at least one of the substances in Schedule C in a laboratory approved for this purpose by the licensing authority; or who has gained experience of not less than three years in the inspection of firms manufacturing any of the substances specified in Schedule C during the tenure of their services as Drugs Inspector shall be authorised to inspect the manufacture of the substances mentioned in Schedule C. Therefore, the intent of the central law and the rules thereunder is clear. Possessing an experience of a specific nature shall not be included within the qualification prescribed for initial appointment as Inspector. It carves out a distinction between the Inspector appointed at the initial stage and the Inspectors who have gained experience as prescribed, enabling them to discharge a higher degree of responsibility by virtue of their experience.

54. In the said context, in our view, the minority opinion in reference to Rules 51 and 52 of the Drug Rules, by giving a distinct analogy, does not appear to be plausible or acceptable to this Court. Therefore, under the D&C Act, as apparent from the history and discussion appreciated by us hereinabove, the power to prescribe the qualification for Inspectors is with the Central Government. By virtue of the Drug Rules, the qualification for appointment of Inspector has been prescribed, with further distinction in the duties to be discharged by the Inspectors appointed initially and by those after gaining experience. Therefore, the proviso to Rule 49 only deals with such distinction of the duties and does not say anything on the qualification required for appointment to the post of Inspector. Thus, Rules framed in exercise of the power under proviso to Article 309 of the Constitution of India by the State Government, or under a State statute which

applies in general, prescribing distinct qualifications under the enactment, cannot override the provisions of the Drug Rules."

5. Therefore, the State Government does not have right to prescribe the qualifications in addition to those qualification as specified in the Central Act, i.e., the Drugs and Cosmetics Act of 1940. Therefore, in our view, the judgment of the High Court deserves to be set aside. The State Government is at liberty to do the needful in accordance with Rule 49 of the Central Rules i.e., the Drug Rules of 1945.

6. The appeal is accordingly disposed of. Pending applications, if any, shall also stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
April 10, 2026.

ITEM NO.51

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 3168/2026

[Arising out of impugned final judgment and order dated 08-01-2026 in WRIT-A No. 82/2026 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

DEEPAK KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF U. P. & ANR.

Respondent(s)

(FOR ADMISSION)

Date : 10-04-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) : Mr. Abhikalp Pratap Singh, AOR

For Respondent(s) : Mr. Sr Singh, Sr. Adv.
Mr. Ankur Prakash, AOR

Mr. Aviral Saxena, AOR
Mr. Paritosh Goyal, Adv.
Mr. Abhinav Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order. Pending applications, if any, shall also stand disposed of.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)