

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.18103 of 2015
and M.P.Nos.1 to 3 of 2015

Fathima College of Pharmacy,
Represented by its Managing Trustee,
Mr.Ravi @ Mohideen Basha,
103, Main Road, Krishnapuram,
Kadayanallur, Tirunelveli District.

.. Petitioner

Vs.

1. The Pharmacy Council of India,
Represented by its Registrar and Secretary,
Combined Councils Buildings,
Kotla Road, Aiwan E Ghalib Marg,
Post Box No.7020,
New Delhi-110 012.

2. All India Council for Technical Education,
Represented by its Regional Officer,
Shastri Bhawan, 26, Haddows Road,
Chennai-600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance a Writ of Mandamus to direct the first respondent to issue the order of approval to the petitioner-College for the academic year 2014-15 and 2015-16 as per the latest representation of the petitioner, dated 12.06.2015.

For Petitioner .. Mr.S.Senthil Nathan

For Respondents .. Mr.Haja Mohideen Gisthi, SCGSC for R-1
Ms.AL.Ganthimathi for R-2

ORDER

In this Writ Petition, the petitioner, a Pharmaceutical College, seeks for a direction to the first respondent-Pharmacy Council of India (PCI) to issue an order of approval to the College for the Academic Year 2014-2015 and 2015-2016 based on their representation dated 12.06.2015 addressed to the first respondent-PCI.

2. Learned counsel for the petitioner-College submitted that appropriate permission has already been given by the second respondent-AICTE, yet the first respondent-PCI has not issued the order of approval to the petitioner-College for 2014-2015 and 2015-2016.

3. Learned SCGSC appearing for the first respondent-PCI submitted that after issuance of notices, three attempts had been made for inspection, but those attempts ended in vain, since the petitioner-College did not co-operate for the inspection. To prove the same, the learned SCGSC also produced the copies of E-mail communications.

4. Without inspection, the petitioner-College's request for approval either for 2014-2015, or for 2015-2016, cannot be considered. After all, it is the first respondent-PCI which is the competent authority to issue the order of approval for the relevant Academic Year.

5. Considering the above aspects, the first respondent-PCI is directed to make an inspection of the petitioner-College, within a period of four weeks from the date of receipt of a copy of this order. As the inspection could also be a surprise one, it is made clear that no prior intimation to the petitioner is required to be given by the first respondent. It is further made clear that the petitioner-College shall not interfere or prevent the first respondent-PCI from conducting inspection and the petitioner-College should extend their co-operation for the said inspection for approval of their College for 2014-2015. Based upon the said inspection to be conducted by the first respondent-PCI, the respondents are at liberty to pass appropriate orders, with regard to the approval of the petitioner-College pertaining to 2014-2015, on merits and in accordance with law, within a period of two weeks from the date of such inspection. In the meanwhile, the petitioner-College is at liberty to have the First Year examinations conducted for the courses in question for the Academic Year 2014-2015 and the results of those Examinations shall be declared, subject to the approval of the petitioner-College and if approval is granted, then the further process of declaration of results, etc., shall continue. It is made clear that if the petitioner-College satisfies the requirements for approval for 2014-2015, then automatically it follows that the respondents shall consider the approval of the petitioner-College for the academic year 2015-2016 also, and pass appropriate orders, on merits and in accordance with law, with regard to the approval of the petitioner-College for the academic year 2015-2016 also, based on inspection as directed above.

6. With the above observations and directions, the Writ Petition is disposed of. No costs. The Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cs

Copy to

1. The Registrar and Secretary,
The Pharmacy Council of India,
Combined Councils Buildings,
Kotla Road, Aiwan E Ghalib Marg,
Post Box No.7020, New Delhi-110 012.

2. The Regional Officer,
All India Council for Technical Education,
Shastri Bhawan, 26, Haddows Road,
Chennai-600 006.

+1 cc to M/s.A.L.Ganthimathi, Advocate, sr.42980
+1 cc to M/s.S.Haja Mohideen Gisthi, Advocate, sr.12125
+1 cc to M/s.S.Senthilnathan, Advocate, sr.48799 (08/09/15)

W.P.No.18103 of 2015

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