

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 4.2.2016.

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

W.P.No.2792 of 2016
and
W.M.P.No.2327 of 2016

Pavai Varam Educational
Trust (14905) Rep. by its Chairman
No.64-C Rotary Nagar
Namakkal Road
Rasipuram-637 408
Namakkal District ...Petitioner

vs.

- 1 The Registrar-cum-Secretary
Pharmacy Council of India
Combined Councils' Building
Temple Lane Kotla Road
Aiwan-E-Ghalib Marg
Post Box No.7020
New Delhi-110 002
- 2 The Secretary to Government
Health & Family Welfare Department
Govt. of Tamil Nadu Fort St. George
Chennai-600 009 ..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to consider the application of the petitioner dated 16.10.2015 and re-submitted on 01.01.2016 along with the No Objection Certificate/Permission by the State Government (i.e. 2nd Respondent) granted in G.O. (Ms. No. 406 Health & Family Welfare (PME-2) Department, dated 31.12.2015 and pass a final order for the grant of approval to the petitioner's college viz Paavai College of Pharmacy and Research at Rasipuram Namakkal District for its proposed D.Pharm course with an annual intake of 60 seats from the academic year 2016-17.

For Petitioner : Mr.R.Sureshkumar
For R1 : Mr.J.Madanagopal Rao, CGSC
For R2 : Digvijaypandian, AGP

ORDER

The writ petition has been filed seeking issuance of a writ of mandamus directing the 1st respondent to consider the application of the petitioner dated 16.10.2015 and re-submitted on 01.01.2016 along with the No Objection Certificate/Permission issued by the State Government (i.e. 2nd Respondent) granted in G.O. (Ms. No. 406 Health & Family Welfare (PME-2) Department dated 31.12.2015 and pass a final order for the grant of approval to the petitioners college viz Paavai College of Pharmacy and Research at Rasipuram Namakkal District for its proposed D.Pharm course with an annual intake of 60 seats from the academic year 2016-17.

2. Heard Mr.R.Sureshkumar, learned counsel appearing for the petitioner, Mr.J.Madanagopal Rao, learned Central Government Standing Counsel appearing for the first respondent and Mr.Digvijay Pandian, learned Additional Government Pleader appearing for the second respondent.

3. The petitioner, a registered Trust is running several educational institutions such at Rasipuram, Namakkal District for the past more than a decade. The petitioner, after having created all necessary infrastructural and instructional facilities to conduct the B.Pharm programme, approached the second respondent seeking for No Objection Certificate to apply to the first respondent for getting necessary approval. While such application was under process, the petitioner had submitted an application to the first respondent, in the prescribed format, on 16.10.2015, seeking approval of the course. It seems that the same was returned by the first respondent on 4.12.2015, on the ground that it was belated. However, according to the petitioner, the delay in seeking approval was due to the delay on the part of the second respondent in granting No Objection Certificate, which document was necessary to be enclosed, which was later issued by the second respondent on 31.12.2015. Therefore, the petitioner had re-submitted the application to the first respondent seeking approval of the course, on 1.1.2016 and since there is no response for the same, the present writ petition has been filed.

4. Considering the limited scope of the relief sought for, this court directs the first respondent to consider the application of the petitioner dated 16.10.2015 and re-submitted on 1.1.2016 alongwith No Objection Certificate/Permission

issued by the second respondent and pass appropriate order, after complying with all the formalities, within a period of eight weeks from the date of receipt of copy of this order. No costs. The connected miscellaneous petition is closed.

sd/-
Assistant Registrar (Cs-VI)

/TRUE COPY/

Sub-Assistant Registrar

ssk.

To

- 1 The Registrar-cum-Secretary
Pharmacy Council of India
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 - 2 The Secretary to Government
Health & Family Welfare Department
Govt. of Tamil Nadu Fort St. George
Chennai-600 009
- +1 CC to MR.R.Sureshkumar Advocate. SR.NO.7302
+1 CC to MR.J.Madanagopal Rao Advocate. SR.NO.7359

सत्यमेव जयते

W.P.No.2792 of 2016

CO-SVI
JD 16/02/2016

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