

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-10-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.25915 of 2017

and

W.M.P.Nos.27426 & 27427 of 2017

P.S.V.College of Pharmaceutical Science
& Research,
Administered by St.Joans Educational Trust,
Oprappam Village,
Bangalore-Chennai High way (NH-46)
Krishnagiri District - 635 108
Rep.by its Chairman and Managing
Trustee P.Selvam

... Petitioner

Vs

1.The Registrar, Tamilnadu
Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.

2.The Pharmacy Council of India
Represented by the Secretary cum Registrar
Combined Council Building,
Temple Lane, Kotla Road,
Aiwan-E-GHALIE Marg,
Post Box No.7020,
New Delhi - 110 002.

3.The Member Secretary,
All India Council for Technical Education, (AICTE)
Nelson Mandela Marg,
Vasanth Kunj,
New Delhi - 110 067.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by 3rd respondent in F.No.Southern/2017/1-3348009296 dated 30.04.2017 and consequential order passed by the 1st respondent in Proc.No.Affn.1(1)/43965/2015 dated 20.09.2017, quash the same as far as it relates to the admission of 50

students intake for the Academic year 2017-18 for the first year B.Pharm Degree Course and consequently direct the 1st and 3rd respondent to grant approval/affiliation to the petitioner Institution for an intake of 60 students for the Academic Year 2017-18 pursuant to the approval granted by the 2nd respondent and the Govt. of Tamil Nadu for an intake of 60 students for the academic year 2017-18.

For Petitioner : Mr.Prabhu Mukunth Arunkumar

For Respondents : Mr.P.R.Gopinathan
Standing counsel for R1

Mr.M.T.Arunan
Standing counsel for R2

Mr.B.Rabu Manohar
Standing counsel for R3

O R D E R

The petitioner is a Pharmacy college imparting four years course in B.Pharm., after getting approval from AICTE on 30.04.2017 for having intake of 50 seats for the academic year 2017-2018. The first respondent affiliated the college on 16.02.2017 for the academic year 2017-2018. The Pharmacy Council of India as per the request of the petitioner granted approval for intake of 60 students for the academic year 2017-2018 by order dated 02.08.2017. However, the first respondent Tamil Nadu Dr. M.G.R. University granted affiliation to the petitioner institution for the academic year 2017-2018 for an intake of 50 students instead of 60 students by order dated 20.09.2017. The said order is challenged before this Court.

2.Heard Mr.Prabhu Mukunth Arun Kumar, learned counsel appearing for the petitioner; Mr.P.R.Gopinathan, learned standing counsel appearing for the first respondent; Mr.M.T.Arunan, learned counsel appearing for the second respondent and Mr.Rabu Manohar, learned counsel appearing the third respondent.

3.It is evident from the Pharmacy Council's order dated 02.08.2017, the approval was granted for intake of 60 students, whereas AICTE granted approval for intake of 50 students only. As per the order of AICTE, the first respondent issued the impugned order.

4.The Pharmacy Council of India is an expert body which is administrating and regulating pharmacy education and has got power and jurisdiction to give approval for Pharmacy courses.

Though the issue as to who is the supreme body namely the Pharmacy Council of India or AICTE is pending before the Honorable Supreme Court, from the facts of the present case, it is evident that the Pharmacy Council which is an expert body by order dated 02.08.2017, granted approval for 60 seats. Therefore, the petitioner is entitled to admit 60 students.

5.The learned counsel for AICTE would submit that based on Pharmacy Council's instruction, the approval was restricted to 50 seats. However, the Pharmacy Council reversed its decision and granted approval for intake of 60 students by order dated 02.08.2017. Since the Pharmacy Council makes it clear that the intake is 60, the impugned order is quashed and there shall be a direction to the first respondent Tamil Nadu Dr. MGR Medical University to give affiliation for intake of 60 students.

6.Mr.P.R.Gopinathan, learned standing counsel would submit that Tamil Nadu Dr. M.G.R. Medical University has got the power and jurisdiction to make inspection and to verify the available infrastructure. There is no quarrel with regard to power and jurisdiction of the Tamil Nadu Dr. M.G.R. Medical University and it is at liberty to do so, if the situation warrants.

7. With the above observations, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1.The Registrar, Tamilnadu
Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.

2.The Pharmacy Council of India
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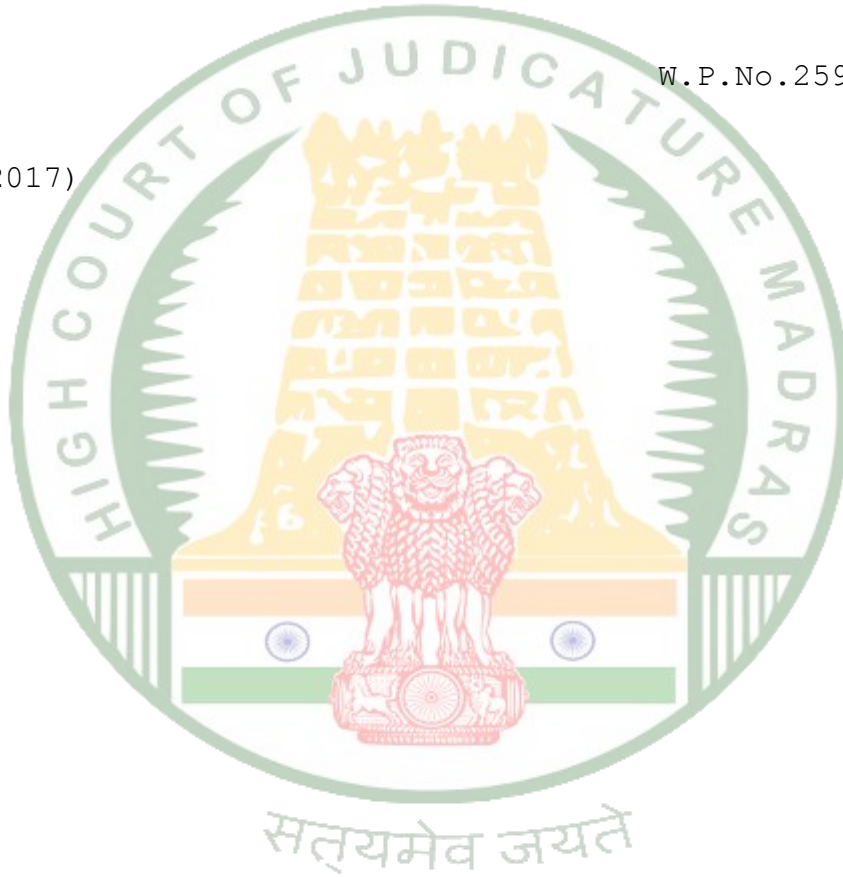
+1cc to Mr.B.Rabu Manohar, Advocate sr.73678

+1cc to Mr.Prabu Mukunth Arun Kumar, Advocate sr.73675

+1cc to Mr.M.T.Arunan, Advocate sr.73648

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