

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-10-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.25954 of 2017

and

W.M.P.Nos.27513 & 27540 of 2017

Paavai College of Pharmacy & Research,  
Administered by Paavai Varam Educational Trust,  
Rasipuram,  
Namakkal District-637 408.  
Rep.by its Chairman V.Natarajan.

... Petitioner

Vs

1.The Registrar,  
Tamilnadu Dr.M.G.R. 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/2017/1-2866650481 dated 10.04.2017 and consequential letter issued by the 1<sup>st</sup> respondent in Lr.No.Affln.I(4)/48957/17 dated 25.09.2017, 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 1<sup>st</sup> and 3<sup>rd</sup> 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 2<sup>nd</sup> respondent dated 07.09.2017 & 08.09.2017 and the order of the Govt. of Tamil Nadu dated 31.12.2015 for an intake of 60 students for the academic year 2016-17.

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 10.04.2017 for having intake of 50 seats for the academic year 2017-2018. The first respondent affiliated the college on 02.09.2017 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 07/08.09.2017. 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 inspite of 60 students by order dated 25.09.2017. 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 02.06.2016, 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 02.06.2016, granted approval for 60 seats. Therefore, the petitioner is entitled to admit 60 students.

5.The learned counsel for the 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 02.06.2016. 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/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sai/tkp

To

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

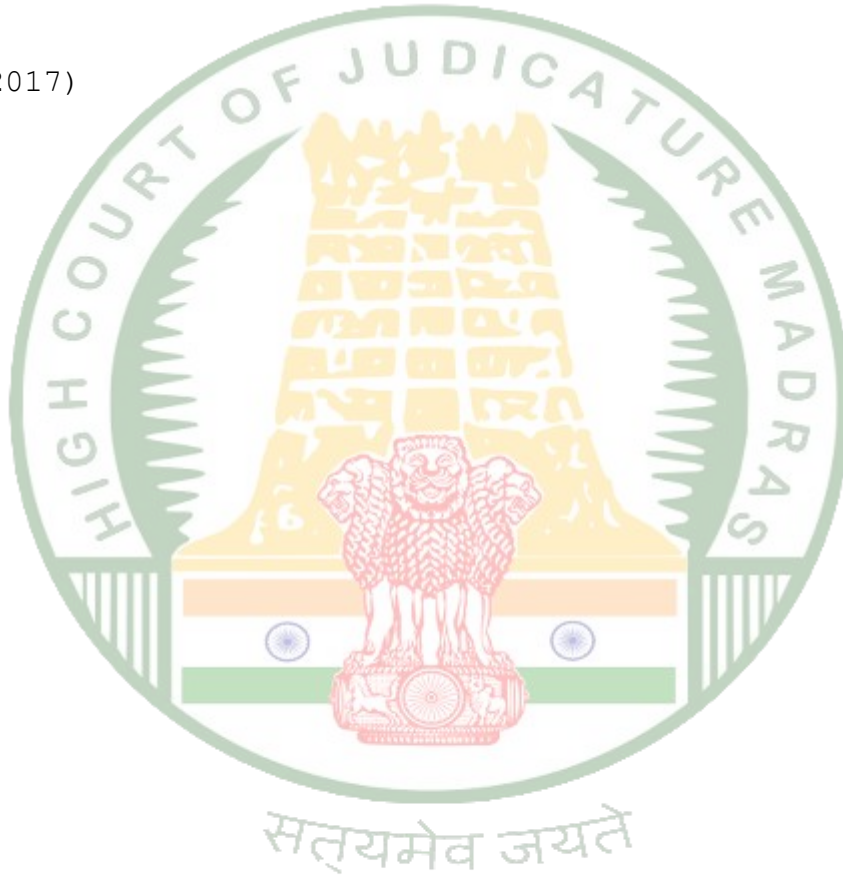
2.The Secretary cum Registrar  
Pharmacy Council of India  
Combined Council Building,  
Temple Lane, Kotla Road,  
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Post Box No.7020,  
New Delhi - 110 002.

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

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.73679  
+1cc to Mr.Prabhu Mukunth, Advocate, S.R.No.73676  
+1cc to Mr.MT.Arunan, Advocate, S.R.No.73647

W.P.No.25954 of 2017

NRI (CO)  
CA(14/11/2017)



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