

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-10-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27105 of 2017

and

WMP.Nos.28940 & 28941 of 2017

Vivekanandha Pharmacy College for Women,
Administered by Rabintharanath Tagore,
Educational Charitable Trust,
Veerachipalayam,
Sankari West,
Salem District - 637 303
Rep. by its Principal Dr.P.Ashokkumar

.... Petitioner

Vs

1.The Registrar,
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.

4.The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai - 600 010.

... 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/2017/1-3357382021 dated 30.04.2017 and consequential order passed by the 1st

respondent in Lr.no.Affn.1(4)/65719/2017 dated 03.10.2017, 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 (for R3)

Mr.T.M.Pappiah (for R4)
Special Government Pleader

O R D E R

The petitioner is a Pharmacy College conducting B.Pharm course, having obtained permission from the State Government on 29.11.2016. Further, it obtained a letter of consent of affiliation from Tamil Nadu Dr.M.G.R. Medical University on 31.05.2017. The Pharmacy Council of India granted approval for intake of 60 students by order dated 07/08.09.2017. AICTE granted approval for intake of 50 students on 30.04.2017. Based on AICTE approval, the first respondent granted affiliation only for 50 students, for the year 2017-2018. Therefore, the petitioner is before this Court challenging the order of AICTE as well as Dr.M.G.R. University.

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 standing counsel appearing for the second respondent; Mr.B.Rabu Manohar, learned counsel appearing for the third respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the fourth respondent.

3.The issue is already covered by the order of this Court in WP.No.26455/2017 dated 10.10.2017, wherein this Court categorically held that the pharmacy council of India is an expert body which is administering and regulating pharmacy education and has got power and jurisdiction to give approval

for pharmacy course. Once the pharmacy council granted approval for intake of 60 students, the same has to be followed by the first respondent Dr.M.G.R. University and the third respondent AICTE has got no power to restrict the same to 50.

4.The AICTE restricted the admission to 50 instead of 60 based on the earlier communication of the Pharmacy Council of India dated 23.09.2017, wherein the Pharmacy Council has stated about the approval of 50 seats only. Thereafter, the Pharmacy Council of India by order dated 07/08.09.2017, categorically permitted intake of 60 students. Therefore, based on the earlier communication of the Pharmacy Council of India, AICTE cannot restrict the admission to 50, as the subsequent order passed by the Pharmacy Council of India speaks about intake of 60 students. Moreover, the issue regarding the powers of Pharmacy Council as well as AICTE is pending before the Hon'ble Supreme Court.

5.For the reasons stated above, the orders passed by the AICTE as well as Tamil Nadu Dr.M.G.R. University are quashed and the University is directed to include the petitioner college for counselling, which is being conducted by the fourth respondent.

6.It is made clear that the first respondent is directed to give seat matrix with intake of 60 students to the fourth respondent immediately and the fourth respondent shall include the name of the petitioner college with 60 seats instead of 50 seats in the ensuing counselling.

7.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.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tkp/sai

To

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

2.The the Secretary cum Registrar,
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4.The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai - 600 010.

+1cc to Mr.M.T.Arunan, Advocate, S.R.No.74398

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.74382

+1cc to Mr.Prabhu Mukunth Arunkumar, Advocate, S.R.No.74383

W.P.No.27105 of 2017

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