

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.17258 of 2017 & W.M.P.No.18759 of 2017

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

Vs.

- 1.The Pharmacy Council of India,
rep. by its Registrar & Secretary,
Combined Councils Buildings,
Kotla Road, Aiwan E Ghalib Marg.,
Post Box No.7020, New Delhi-110 012.
- 2.Tamil Nadu Dr.M.G.R.Medical University,
rep. by its Registrar,
No.69, Anna Salai, Guindy,
Guindy, Chennai-600 032. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1, to pass orders of continuation of the approval to the petitioners college for the academic years 2014-15, 2015-16 & 2016-17 forth with.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.M.T.Arunan, for R1
Mr.P.R.Gopinathan, for R2

O R D E R

The petitioner College has been established in the year 1993, after getting approval from the Pharmacy Council of India (in short "PCI"). Till the last academic year 2015-16, students got educated continuously from 1993 onwards.

2.PCI granted approval for the academic year 2016-17, and further approval of ACITE was granted on 10.04.2017. However, the second respondent viz., the MGR University, neither granted affiliation nor granted registration to the students for the past three years. Therefore, the petitioner has approached this Court by filing this writ petition.

3.Heard Mr.S.Senthilnathan, learned counsel appearing for the petitioner, Mr.Arunan, learned counsel appearing for the first respondent and Mr.P.R.Gopinath, learned counsel appearing for the second respondent.

4.Though Mr.S.Senthilnathan, has made strenuous efforts to convince this Court that, within six months, the infrastructure as pointed out by the second respondent/University, would be made available, this Court is not in a position to accept the same for the simple reason that lack of infrastructure was pointed out even three years back and in spite of that the petitioner deliberately failed to provide the required infrastructure as per the new amended PCI Regulations/Rules.

5.A perusal of the order dated 18.09.2017, passed by the Tamil Nadu Dr.M.G.R. Medical University, would reveal the deficiencies in the infrastructure numbering to 15. The amenities/infrastructure to an extent of 15 in number have not been provided by the petitioner. Unless these shortcomings/deficiencies in the infrastructure are rectified, the petitioner's prayer for issuance of Writ of Mandamus, directing the first respondent to pass orders for continuation of the approval and for conditional provisional affiliation by the second respondent, cannot be granted.

6.Therefore, this writ petition fails and the same is dismissed. It is needless to state that as soon as the deficiencies are rectified by the petitioner and the same is informed to the second respondent/University, the University is to make an inspection and on being convinced that the petitioner has rectified all the deficiencies, is directed to pass orders on Conditional Provision Affiliation (CPA) within a period of four weeks of the application made by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

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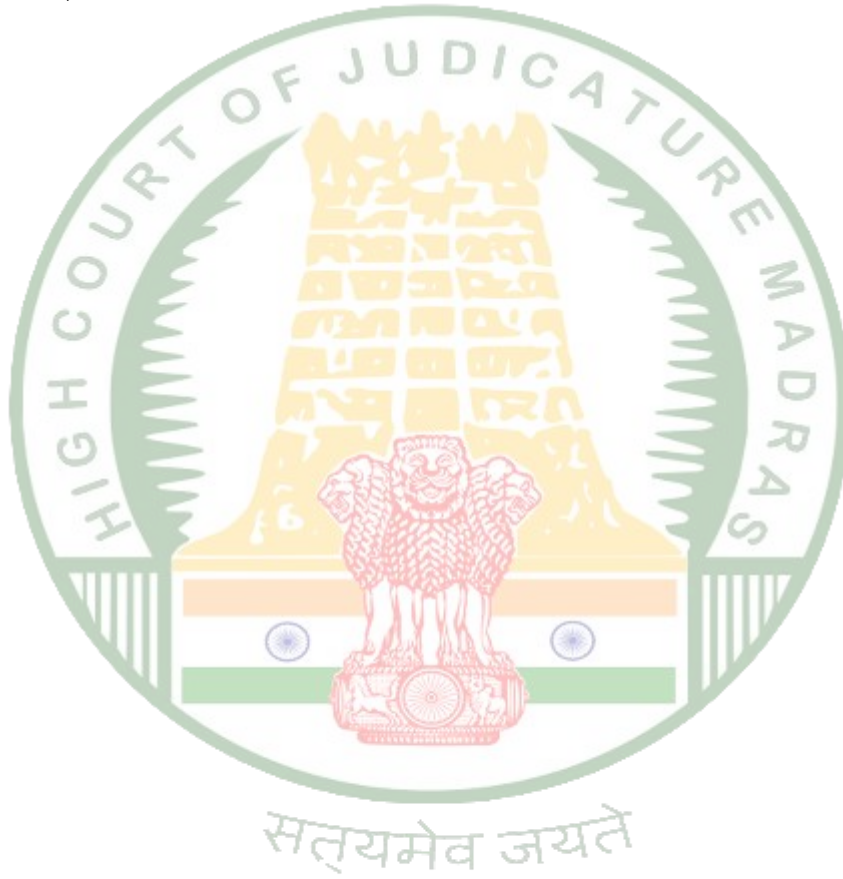
Sub Assistant Registrar

abr

+1cc to Mr.M.T.Arunan, Advocate SR.No.76791
+1cc to Mr.S.Senthinathan, Advocate SR.No.76973
+1cc to Mr.P.R.Gopinathan, Advocate SR.No.77865

W.P.No.17258 of 2017

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