

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27739 of 2017
and
W.M.P.Nos.29703 & 29704 of 2017

Dhanalakshmi Srinivasan College of Pharmacy
Represented by its Principal
No.274/C, Thuriayur Road, Permabalur
Tamil Nadu - 621 212. ... Petitioner

-Vs-

- 1.The Pharmacy Council of India
Represented by its Secretary
Combined Council Building
Kotla Road, Aiwane-Ghalie Marg
New Delhi - 110 002.
- 2.The All India Council for Technical Education
Represented by its Member Secretary
Nelson Mandela Marg
Vasant Kunj, New Delhi - 110067
- 3.The Tamil Nadu Dr.MGR Medical University
Represented by its Registrar
No.69, Anna Salai, Guindy,
Chennai - 600 032.
- 4.The Selection Committee,
Represented by the Additional Director of Medical Education/
The Secretary
Directorate of Medical Education Campus
Kilpauk, Chennai - 600 010. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus calling for the records of the 2nd respondent in the order dated 30.04.2017 in F.No.Southern/2017/1-3372211351 and the records of the 3rd respondent in the consequential order dated 25.10.2017 in Proc.no.Afflnl(6)/54733/2016, quash the same insofar as it

restricts the admission of students in B.Pharm degree course offered in the Petitioner Institution for the Academic year 2017-18 to 50 students and consequently direct the 2nd and 3rd Respondent to approve/grant affiliation to the Petitioner Institution to offer the B.Pharm course with an intake of 60 students for the Academic year 2017-18.

For Petitioner : Mr.Abishek Jenasenan
For Respondents : Mr.M.T.Arunan, for R1
Mr.Rabu Manohar, for R2
Mr.D.Ravichander, for R3
Mr.T.M.Pappiah, Spl.G.P., for R4

O R D E R

The petitioner/college has been established in the year 2016 after obtaining necessary approval from the Government of Tamil Nadu to begin the 4 year undergraduate B.Pharm degree course and the Diploma in Pharmacy course. Thereafter, when the petitioner/college applied for approval for intake of 60 students, the 2nd respondent viz., All India Council for Technical Education granted approval only for an intake of 50 students by virtue of the impugned order dated 30.04.2017. However, the 1st respondent viz., Pharmacy Council of India which is the ultimate authority to grant all approvals for the conduct of pharmacy courses granted permission for intake of 60 students vide its resolution dated 07.09.2017. Further, the 3rd respondent viz., Tamil Nadu Dr.MGR Medical University also restricted the intake to 50 students by its order dated 25.10.2017. Both the orders passed by the All India Council for Technical Education and Tamil Nadu Dr.MGR Medical University are challenged before this Court by filing the present writ petition.

2.Heard Mr.Abishek Jenasenan, learned counsel for the petitioner; Mr.M.T.Arunan, learned standing counsel appearing on behalf of the first respondent; Mr.Rabu Manohar, learned standing counsel appearing on behalf of the second respondent; Mr.D.Ravichander, learned standing counsel appearing on behalf of the third respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the fourth respondent.

3.It is evident from the records that the college was established after getting necessary approval from the State Government vide G.O.(Ms).No.25, dated 03.02.2017 granting permission to apply to the Pharmacy Council of India to start 4 years B.Pharm course with an annual intake of 60 students from the academic year 2017-18. While so, the 1st respondent viz., Pharmacy Council of India which is the supreme authority with regard to the pharmacy education granted approval for intake of 60 students vide resolution dated 07.09.2017. When permission

was granted by the Pharmacy Council of India for intake of 60 students, this Court is of the view that 2nd respondent viz., AICTE has got no jurisdiction to restrict the intake from 60 students to 50 students. However, this Court notes that dispute with regard to the supremacy of AICTE or the Pharmacy Council is pending before the Hon'ble Apex Court. Similarly, the 3rd respondent viz., Tamil Nadu Dr.MGR Medical University also cannot restrict the intake of seats, since the power and jurisdiction of the university is only to make inspection and verify the infrastructural facilities.

4.For the reasons stated above, the impugned orders passed by the second respondent dated 30.04.2017 and the third respondent dated 25.10.2017 are liable to be quashed and accordingly quashed. The third respondent/Tamil Nadu Dr.MGR Medical University is directed to issue seat matrix to the fourth respondent/The Selection Committee, which is responsible for conducting the counselling. The fourth respondent, after receiving the seat matrix for 60 seats is directed to include the name of the petitioner/college in the counselling for 60 students.

5.In view of the time constraint, the officials of the third respondent viz., Tamil Nadu Dr.MGR Medical University who are present before this Court are directed to take appropriate steps to implement the order passed by this Court and issue the seat matrix today itself to the fourth respondent, with regard to the enhanced seats viz., 10 seats.

6.The writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

/sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

pgp
To

1.The Secretary
The Pharmacy Council of India
Combined Council Building
Kotla Road, Aiwan-E-Ghalie Marg
New Delhi - 110 002.

2.The Member Secretary

The All India Council for Technical Education
Nelson Mandela Marg
Vasant Kunj, New Delhi - 110067

3.The Registrar

The Tamil Nadu Dr.MGR Medical University
No.69, Anna Salai, Guindy,
Chennai - 600 032.

4.The Selection Committee,

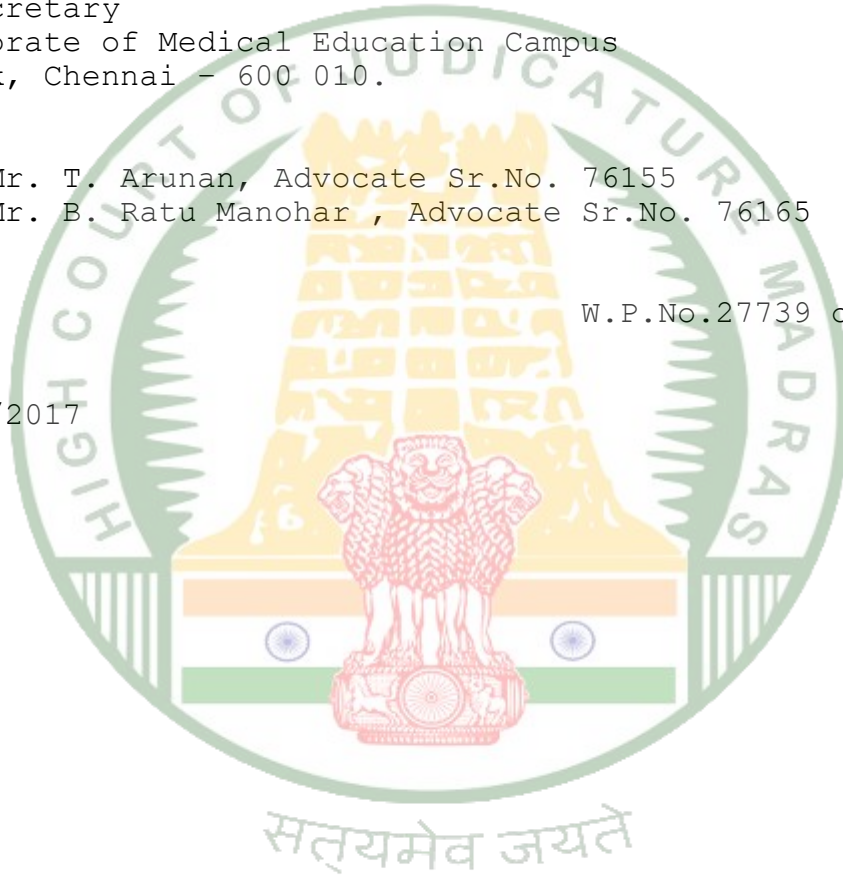
Represented by the Additional Director of Medical Education/
The Secretary
Directorate of Medical Education Campus
Kilpauk, Chennai - 600 010.

+1 CC to Mr. T. Arunan, Advocate Sr.No. 76155

+1 CC to Mr. B. Ratu Manohar , Advocate Sr.No. 76165

W.P.No.27739 of 2017

MD: 28/11/2017



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