

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.22585 of 2010 and M.P.1 of 2010

V.Dhanapal

..

Petitioner

Versus

1. The Secretary,  
State of Tamil Nadu,  
Department of Health and Family Welfare,  
Fort. St. George, Chennai - 9.
  2. The Director,  
Directorate of Medical Education  
Chepauk, Chennai.
  3. The Director,  
Directorate of Public Health & Preventive Medicine,  
Kilpauk, Chennai.
  4. The Secretary,  
Tamil Nadu Public Service Commission,  
Chennai.
  5. The Member Secretary,  
All India Council For Technical Education (AICTE)  
7<sup>th</sup> Floor, Chanderlok Building,  
Janpath, New Delhi - 110 001.
  6. The Registrar-cum-Secretary,  
Pharmacy Council of India,  
Combined Council's Building,  
Kotla Road, Aiwan - E - Ghalib Marg,  
New Delhi - 110 002.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of MANDAMUS, to forebear the respondents 1 to 3 from recruiting any candidate for the post of Tutor in Pharmacy except by the norms prescribed by AICTE & PCI, 5<sup>th</sup> & 6<sup>th</sup> respondents herein.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader for RR1 to R3

Dr.M.Devendran for R4

No Appearance for R5 & R6

## O R D E R

The relief sought for in this writ petition is to forebear the respondents 1 to 3 from recruiting any candidate for the post of tutor in pharmacy except by the norms prescribed by AICTE & PCI, 5<sup>th</sup> & 6<sup>th</sup> respondents herein.

2 The claim of the writ petitioner is that the respondents have not followed the Rules issued by the AICTE in respect of recruitment to the post of Tutor in Pharmacy. It is needless to state that the respondents are bound to follow the Rules issued by the AICTE while undertaking the process of selection and appointment. Paragraph 13 of the counter affidavit of the respondents 1 to 3 reads as follows:

13. With regard to the averments made in paragraph 6 of the affidavit, it is submitted that All India Council of Technical Education Committees / Pharmacy Council of India are the governing body for the courses of Diploma in Pharmacy, B.Pharmacy and M.Pharmacy. According to the norms prescribed by these bodies, the Government of Tamil Nadu have amended the Special Rules for Tamil Nadu Medical Service. Hence, at present the faculties are appointed as per the norms of the above said governing bodies. Further, during 2006, the above said rule was not amended. However, to run the college, the Government have appointed 28 candidates for the post of Tutor in Pharmacy. In the appointment order itself, it has clearly been mentioned that they have been selected for a period of one year or till the selection of candidates is made by the Tamil Nadu Public Service Commission with the candidates possessing M.Pharmacy qualifications. Though, the Special Rules for Tamil Nadu Medical Service has been amended, the above said candidates could not be terminated due to the interim injunction granted by this Hon'ble Court in the writ petition (W.P.No.12656/2015).

3 However, the procedures and Rules for recruitment have underwent certain changes and now the respondents have to follow

the Recruitment Rules in force strictly in accordance with law. Further, the writ petitioner has not challenged any such temporary appointments made by the respondents for a period of one year. In the absence of any such challenge, the prayer sought for to forebear the respondents 1 to 3 from recruiting any candidate for the post of Tutor in Pharmacy, cannot be considered. It is left open to the writ petitioner to challenge the irregular and illegal appointments if any made by the respondents. Thus, no further adjudication is required in this writ petition.

4 Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cgi

To

1. The Secretary,  
State of Tamil Nadu,  
Department of Health and Family Welfare,  
Fort. St. George, Chennai - 9.
2. The Director,  
Directorate of Medical Education  
Chepauk, Chennai.
3. The Director,  
Directorate of Public Health & Preventive Medicine,  
Kilpauk, Chennai.
4. The Secretary,  
Tamil Nadu Public Service Commission,  
Chennai.
5. The Member Secretary,  
All India Council For Technical Education (AICTE)  
7<sup>th</sup> Floor, Chanderlok Building,  
Janpath, New Delhi - 110 001.

6. The Registrar-cum-Secretary,  
Pharmacy Council of India,  
Combined Council's Building,  
Kotla Road, Aiwan - E - Ghlib Marg,  
New Delhi - 110 002.

+1cc to Dr.M.Devendran, Advocate Sr.No.84260  
+1cc to Mr.D.Baskar, Advocate SR.No.84227  
+1cc to Government Pleader SR.No.84361

W.P.No.22585 of 2010 and M.P.1 of 2010

KAN(CO)  
sm:14.12.2017



WEB COPY