

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.20935 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of 1st respondent in processing the application of the 2nd petitioner institution submitted on 14-03-2017 by way of hard copy, for grant of affiliation for Pharm.D course for an intake of 30 seats for the academic year 2017-18, despite the approval granted by the 5th respondent, as illegal, arbitrary, without jurisdiction and ultra vires the JNTU Affiliation Procedure & Regulations 2017-18 and in violative of Article 14 and 19(1)(g) of the Constitution of India and consequently direct the respondent University to process the application of the petitioner for grant of affiliation for Pharm-D course for the 2017-2018, submitted on 14-032017, in accordance with the Affiliation Procedure and Regulations 2017-18 and grant affiliation for the Pharm-D course for the intake of 30 seats as approved by the 5th respondent and the 2nd respondent to grant permission thereafter enabling the 2nd petitioner to make admissions for 30 seats Pharm-D Course for the academic year 2017-18 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioners and also Sri Abhishek Reddy, learned standing counsel for respondents 1 and 3 (by reading the mentioning as technical education for higher education) and learned Government Pleader for Higher Education and also Smt.M.Indrani, learned counsel for the 5th respondent, before ordering notice to 4th respondent and perused the prayer in the writ petition with supporting affidavit and the other material on record including the written instructions received by the learned standing counsel, submitted before the Court.

3. As per the written instructions of JNTU, Hyderabad, submitted by the learned standing counsel, the petitioner college applied for NOC on 06.09.2013 to start Pharm-D course only for the academic year 2014-2015 and obtained PCI approval to start Pharm-D course from the university for the academic year 2017-2018 and in between there is a gap of nearly four years and there is no fresh NOC obtained by the college from the JNTU, particularly for the present academic year. Leave about the others and once there is no NOC issued after 2014-2015 for any years subsequently and in particular to this academic year that too not submitted online Form A117, but hard copy that could not be considered and it also required inspection in relation to Pharm-D Course of any MOU or own hospitals tie up to the petitioners entity of its submission with relation to the particulars and in view of the above, for this academic year, affiliation is not possible and if

at all any fresh NOC sought for the next year, JNTU will consider the same.

4. A perusal of the letter of the petitioners college to the JNTU Registrar on 14.03.2017 by submission of hard copy in Pharma-D Course to commence for the year 2017-2018 made with processing fees in seeking to grant affiliation, it refers how the course could not be started in the earlier years for one reason or the other by describing and in Para 3 says the college made a representation to PCI to consider the approval for 2017-2018 and obtained the same vide proceedings in the minutes of 02.274th PCI – Executive Committee meeting of the council held on 01st and 02nd February, 2017, bearing and the college is thereby made a representation to the JNTU university, Hyderabad, to give feasibility of online Form A117 and it was dated 10.03.2017 by saying kindly enable the college to submit Form A117 including Pharm-D Course for academic year 2017-2018 as early as possible and the feasibility not given by the JNTU and thereby submitting hard copy of Form A117 with the application for processing and inspection and that even Rs.12,750/- by D.D.No.404521, dated 14.03.2017, in favour of Registrar, JNTU, Hyderabad, for the process of grant of affiliation to the said Pharm-D course with a request to accept and take appropriate action.

5. In fact the core issue is the submission of online Form A117. On 10.03.2017, a letter is addressed to give feasibility of submitting online Form A117. But it is the submission of

the petitioner of the same was not responded, which made to submit with the letter dated 14.03.2017, the hard copy in Form A117. However, giving of feasibility to submit Form A117 through online is not possible, in this case for the reason that there is no NOC obtained for the present academic year. It is mentioned in the letter dated 10.03.2017, making a request for renewed NOC to the proposed Pharm-D course by submitting the process fees of Rs.20,000/- by D.D. bearing No.474588, dated 10.03.2017, drawn on SBH, Kukatpally, Hyderabad. Once there is an application for NOC, though mention of renewed NOC, which was obtained earlier for the academic year 2014-2015, it has to be renewed whenever the course to be started. However instead of going by the technicality, this Court directs the JNTU to consider the same as application for NOC from the process fees paid and inspect subject to submission of the further particulars within two days in writing by the petitioner and accord the permission to the extent feasible.

6. Accordingly and with the above observations, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

04.07.2017
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