

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9910 of 2019

Sree Lakshminarayan College of Pharmacy,
Administered by Sri Lakshminarayan Educational Trust,
Pappinackainahalli Village,
Sogathu (Post Office),
Dharmapuri - 636 809.
Rep. by its Chairman N.Rajasekar
.. Petitioner

vs.

- 1.The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.
 - 2.The Pharmacy Council of India,
Rep. 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 Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in Lr.No.Affln.I(1)/02365/2018 dated 09.07.2018 quash the same and direct the 1st respondent to grant affiliation to the petitioner institution for an intake of 100 students for the academic year 2018-19 pursuant to the approval

granted by the 2nd and 3rd respondent for an intake of 100 students for the academic year 2018-19.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For R1 : Mr.D.Ravichander

For R2 : Mr.M.T.Arunan,
Central Govt. Standing Counsel

For R3 : Mr.Rabu Manohar
Senior Central Govt. Standing Counsel

For R4 : Mr.V.Kadhirvelu
Special Government Pleader

O R D E R

The writ petition has been filed challenging the impugned order passed by the first respondent in Lr.No.Affln.I(1)/02365/2018 dated 09.07.2018 and direct the first respondent to grant affiliation to the petitioner institution for an intake of 100 students for the academic year 2018-19 pursuant to the approval granted by the second and third respondents for an intake of 100 students for the academic year 2018-19.

2. The petitioner is a Pharmacy College, which was started in the year 2017 and the Government of Tamil Nadu has granted permission to start four years B.Pharm Degree Course from the academic year 2017-2018 with an annual intake of 60 students. The second respondent-Pharmacy Council of India had given approval to conduct B.Pharm Course with an intake of 60 seats. The first respondent-University after inspection, vide order dated 03.10.2017 granted provisional affiliation for starting first year B.Pharm Degree Course with an annual intake of 50 students based on the approval granted by the AICTE-third respondent. Aggrieved by the restriction of only 50 students for the academic year 2017-18, despite approval granted by the Government of Tamil Nadu as well as Pharma Council of India for an intake of 60 students, the petitioner-institution filed W.P.No.26456 of 2017. The writ petition was allowed on 10.10.2017 and the order passed by the third respondent was quashed and the third respondent was directed to grant approval for 60 seats for the academic year 2017-18. For the academic year 2018-19, the third respondent-AICTE had given approval for an intake of 100 students by its order dated 10.04.2018. Based on the approval of the third respondent, the petitioner college submitted an application to the first respondent-University for grant of approval for intake of 100 students for the academic

year 2018-19 vide letter dated 12.06.2018, i.e., to enhance the provisional affiliation from 60 seats to 100 seats. However, the first respondent-University on 09.07.2018 rejected to enhance the provisional affiliation on the ground that the first batch has not completed its course of study, which is contrary to well settled legal principles of the Hon'ble Supreme Court and a Division Bench of this Court. Therefore, the challenge is now made by the petitioner.

3. Heard the learned counsel appearing on both sides.

4. The learned counsel appearing for the University pointed out that already the academic year 2018-19 has come to an end and there is no point in granting affiliation for an intake of 100 students at this point of time, as the request of the petitioner has become infructuous by efflux of time.

5. The learned counsel appearing for the petitioner contended that though the academic year is over, he has applied for intake of 100 students for the forthcoming academic year 2019-20.

6. Though the copy of the said application is not produced before this Court, the learned counsel appearing for the University contended that even in the absence of an application made to the University, the petitioner cannot seek an order for the future academic year. If the petitioner had made an application to the University, it will be appropriately considered by the University and the petitioner cannot seek any indulgence in this writ petition, which he had filed for an intake of students for the academic year 2018-19.

7. Agreeing with the learned counsel for the University, no order can be passed in this writ petition, as the prayer itself has become infructuous by efflux of time. However, as and when the application is made or said to have been made is considered by the University, the petitioner may be given an opportunity of personal hearing before passing the order.

8. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.
2. The Secretary cum Registrar,
The Pharmacy Council of India,
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4. The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai - 600 010.

+1cc to Mr.D.Prabhu Mukunth Arunkumar, Advocate, S.R.No.35836
+1cc to Mr.Rabu Manohar, Advocate, S.R.No.34572

W.P.No.9910 of 2019

SV(CO)

vkrr(20/05/2019)

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