

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15888 of 2020 &
W.M.P.Nos.19744 to 19746 of 2020

Erode Educational Trust
Established and Administering
The Erode College of Pharmacy,
Perundurai Main Road, Veppampalayam,
Vallipurathanpalayam (PO), Erode - 638 112.
Rep. By its Secretary and Correspondent,
A.Natarajan. Petitioner

Vs

1.The Registrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.

2.The Pharmacy Council of India,
Represented by the Secretary cum Registrar
NBCC Centre, 3rd Floor, Plot No.2,
Community Centre, Maa Anandamai Marg,
Okhla Phase I, New Delhi - 110 020.

3.The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai - 600 010. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned letter of the 1st respondent in Lr.No.Affln.1(6)/18492/2020 dated 12.10.2020 received on 14.10.2020 quash the same and direct the 1st respondent to grant affiliation to the petitioner college for an intake of 100 students in B.Pharm Degree Course for the academic year 2020-21 pursuant to the approval granted by the 2nd respondent for an intake of 100 students in B.Pharm Decree Course for the academic year 2020-21.

For Petitioner : Mr.D.Prabhu Mukunth Arun Kumar

For Respondents : Mr. Ilayaraja Perumal for R1
Mr.M.T.Arunan for R2
Mr.Akhil Akbar Ali for R3

ORDER

On consent given by either side, the main Writ Petition itself has been taken up for final hearing.

2. This Writ Petition has been filed challenging the impugned letter issued by the 1st respondent University directing the petitioner to obtain permission from the Government for enhancement of seats in the B.Pharm Decree Course and to submit the same along with the approval given by the Pharmacy Council of India to enable the 1st respondent University to grant affiliation to the petitioner institution. The 3rd respondent has filed a counter affidavit in this case.

3. Heard Mr.D.Prabhu Mukunth Arun Kumar, learned counsel for the petitioner and Mr.Ilayaraja Perumal learned counsel appearing on behalf of M/s.Ramalingam Associates for the 1st respondent, Mr.M.T.Arunan, learned counsel for the 2nd respondent, Mr.Akhil Akbar Ali, learned counsel for the 3rd respondent.

4. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No.14834 of 2020, dated 10.11.2020. The relevant portion in the order is extracted hereunder :-

"22.In view of the above discussion, this Court is of the considered view that the Scheme framed under the Regulations by the Pharmacy Council of India does not contemplate any permission from the State Government after approval is granted by the Pharmacy Council of India for increase in intake either in the B.Pharm or M. Pharm Course in an existing Institution and the University must necessarily act upon the approval and grant provisional affiliation to the Institution. This is the manner in which the Pharmacy Council of India has understood the Scheme framed under the Regulations and it is uniformly applied in all the States and therefore the Government of Tamil Nadu cannot give a different interpretation and meaning than the one that is given by the Pharmacy Council of India."

5. In view of the above, the impugned letter issued by the 1st respondent University dated 12.10.2020 is hereby quashed and there shall be a direction to the 1st respondent University to grant provisional affiliation to the petitioner institution for the academic year 2020-2021, by considering the representation made by the petitioner on 21.05.2020.

6.This Writ Petition is accordingly allowed with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar,
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69, Anna Salai, Guindy,
Chennai - 600 032.

2.The Pharmacy Council of India,
Represented by the Secretary cum Registrar
NBCC Centre, 3rd Floor, Plot No.2,
Community Centre, Maa Anandamai Marg,
Okhla Phase I, New Delhi - 110 020.

3.The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai - 600 010.

+lcc to Mr.D.Prabhu Mukunth Arun Kumar , Advocate SR.No. 37131
W.P.No.15888 of 2020 &
W.M.P.Nos.19744 to 19746 of 2020

A.SK(08/12/2020)

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