

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.16124 of 2020
and W.M.P Nos.20111 to 20113 of 2020

Selvam Educational and Charitable Trust
Established and Administering
S.A.Raja Pharmacy College,
New Raja Nagar, Vadakangulam
Thirunelveli Dist., 627 116,
Rep. by its Chairman
Dr.Jacob Raja

...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 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(4)/18081/2020 dated 23.09.2020 quash the same and direct the first 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 second respondent for an intake of 60 students in B.Pharm Degree Course for the academic year 2020-21.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar
For Respondents: M/s.Ramalingam Associates -R1
Mr.M.T.Arunan -R2
Mr.Akhil Akbar Ali -R3

O R D E R

This writ petition has been filed challenging the impugned letter issued by the first respondent dated 23.09.2020, wherein the petitioner College has been directed to obtain permission from the Government for increase in intake in the B. Pharm course, before the University considers to grant affiliation to the petitioner college.

2.The issue involved in the present writ petition is squarely covered by the earlier order passed in WP.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."

3.In view of the above, the impugned letter issued by the first respondent University dated 23.09.2020 is hereby quashed and there shall be a direction to the first respondent University to grant provisional affiliation to the petitioner Institution for the academic year 2020-21, by considering the representation made by the petitioner College on 21.09.2020.

4.This writ petition is accordingly, allowed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Registrar
Tamil Nadu Dr.MGR Medical University
69, Anna Salai, Guindy,
Chennai - 600 032.
2. The Secretary cum Registrar
The Pharmacy Council of India
NBCC Centre, 3rd Floor, Plot No.2,
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3. The Director of Medical Education
Directorate of Medical Education Campus
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+1 CC to Mr.D.Prabhu Mukunth Arunkumar, Advocate sr 36769.
+2 Ccs M/s. Ramalingam and Associates sr 36986.

W.P No.16124 of 2020
and W.M.P Nos.20111 to 20113 of 2020

NRJK (CO)
SP (10/12/2020)



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