



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.9329 of 2022

Pallavan Pharmacy College,
Represented by its Chairman
Iyyengarkulam & Post - 631 502,
Kancheepuram,
Kancheepuram District

...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 Anandmai Marg,
Okhla Phase I, New Delhi - 110 020.
3. The Government of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
4. The Director,
Directorate of Medical Education,
Kilpauk,
Chennai - 600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to process the application of the petitioner dated 17.06.2021 for starting the M.Pharm (Pharmaceutics) and M.Pharm (Pharmacology) courses with 15 seats each without insisting for the production of the NOC or Essentiality certificate of the third respondent and pass orders within such time as may be fixed by this Honourable Court for starting the Courses in the Academic year 2022-23.



WEB COPY

For Petitioner : Mr.P.Srinivas
For Respondents : Mr.P.Elayarajkumar
for M/s.Ramlingam Associates-R1
: Mr.TNC.Kaushik
Additional Government Pleader-R3&R4

O R D E R

Mr.P.Elayarajkumar, learned counsel accepts notice for R1 and Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for R3 and R4. They are armed with instructions to proceed with the matter finally even at this juncture. No relief is sought as against R2/the Pharmacy Council of India and thus non-appearance on their behalf will not stand in the way of disposing this Writ Petition finally. Hence, by consent of the learned counsel for the petitioner and learned counsel for R1, R3 and R4, this Writ Petition is disposed finally even at the stage of admission.

2. The prayer in the present Writ Petition is for a mandamus directing the first respondent/the Registrar, Tamil Nadu Dr.MGR Medical University to process the application of the petitioner dated 17.06.2021 for starting the M.Pharm (Pharmaceutics) and M.Pharm (Pharmacology) courses with 15 seats each without insisting for No Objection Certificate/Essentiality certificate from the Government of Tamil Nadu/R3 for starting the Courses in the Academic year 2022-23.

3. Learned counsel for the respondents would concur with the submission of the petitioner that the issue raised in this Writ Petition is squarely covered by a decision of a Division Bench of this Court in the case of Annai J.K.K.Sampoorani Ammal Charitable Trust, rep. by its Management Trustee V. The Registrar, Tamil Nadu Dr.M.G.R. Medical University, Chennai (W.A.No.3534 of 2019 order dated 16.06.2020).

4. The aforesaid decision has been subsequently followed by two learned single Judges of this Court in PGP Educational and Welfare Society, rep. by its Secretary Mr.K.Kandasamy V. The Registrar, Tamil Nadu Dr.M.G.R. Medical University, Chennai (W.P.No.14834 of 2020 dated 10.11.2020) and Sree Abirami Charitable Trust V. The Registrar Tamil Nadu Dr.MGR Medical University and others (W.P.No.24404 of 2021 order dated 29.11.2021).

5. Insofar as the parties before me, in one voice, submit that the issue has been resolved in favour of the identically placed Educational Institutions, such as the petitioner before



me, mandamus as sought for is liable to be issued and I do so.

6. The first respondent will pass orders on the application of the petitioner dated 17.06.2021 in light of the aforesaid decision of the Division Bench, followed by the learned single Judges of this Court as well, within a period of four (4) weeks from today.

7. This Writ Petition is allowed. No costs.

-s/d-

Assistant Registrar

True Copy

sl Sub-Assistant Registrar

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,
Community Centre, Maa Anandmai Marg,
Okhla Phase I, New Delhi - 110 020.

3. The Secretary,

The Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

4. The Director,

Directorate of Medical Education,
Kilpauk,
Chennai - 600 010.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.26705

+1cc to the Government Pleader, High Court, Chennai, S.R.No.26962

W.P. No.9329 of 2022

SJ(CO)

RN(06/05/2022)