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W.P.No.26128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26128 of 2022

PMN Mohan Krishnaa

Correspondent

Nandanam Health Science College

Tirupattur Town and District

..

Petitioner

v.

1. The Principal Secretary

Department of Health and Family Welfare

State Secretariat, Namakkal Kavignar Maligai

Fort St.George

Chennai 600 009

2. The Director of Medical Education

O/o Director of Medical Education

162, Periyar EVR High Road

Chennai 600 010

3. The Secretary

Selection Committee

O/o Directorate of Medical Education



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162, Periyar EVR High Road
Chennai 600 010

4. The Registrar

Tamil Nadu Dr MGR Medical University
Guindy, Chennai

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st to 3rd Respondent herein not to conduct paramedical courses counselling without taking proper statistics about seats approved by Pharmacy Council of India for this academic year and other similar Statutory Councils for their respective approvals as to course seats for this academic year within the time fixed by this Hon'ble Court and then, thereafter proceed with conduction of the Paramedical Courses Counselling after seat allotment to Medical Counselling is completed.

For Petitioner :: Mr.B.Manoharan

For Respondents :: Mrs.R.Anitha
Special Government Pleader
for R1 & R2
Ms.M.Sneha for R3
Mr.Om Prakash
Senior Counsel for
Mr.Imayavaramban for
M/s Ramalingam & Associates
for R4

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.PMN Mohan Krishnaa, Correspondent, Nandanam Health Science



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College, Tirupattur Town and District has filed this writ petition for issuance of a mandamus to direct the respondents 1 to 3 herein not to conduct paramedical courses counselling without taking proper statics about seats approved by Pharmacy Council of India for this academic year and other similar Statutory Councils for their respective approvals as to course seats for this academic year within the time fixed by this Hon'ble Court and thereafter proceed with the conduct of the Paramedical Courses Counselling after seat allotment to Medical Counselling is completed.

2. In our earlier order dated 29.09.2022, we have crystallized the twin grievance made by the petitioner, as follows:-

(i) When medical counselling takes place for both medical courses and para-medical courses every year, generally, it is the usual custom for holding counselling for medical courses first and thereafter, for para-medical courses, so as to enable the students who could not get admission to the medical courses to secure admission to the para-medical courses. However, breaking the old custom, now counselling is held for para-medical courses first, followed by the counselling for



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medical courses.

(ii) When Pachamuthu College of Pharmacy is having intake of 40 seats, the total number of intake allotted is 65 seats. Similar discrepancy can also be seen in respect of other colleges.

3. While answering the first contention, Ms.Sneha, learned counsel appearing for the third respondent submitted that generally, it is the usual custom for holding counselling for the medical courses first and thereafter for the para-medical courses. Explaining further, referring to paragraph-5 of the counter affidavit filed by the third respondent, she stated that during the previous academic year 2021-22, counselling for the para-medical courses was conducted before the medical counselling took place, because of the Covid-19 pandemic situation. But this year, counselling for the medical courses has not yet started by the Medical Counselling Committee. Moreover, the Tamil Nadu Dr MGR Medical University has fixed the date of joining for para-medical courses initially on 30.09.2022. Later on, on the Selection Committee's request to extend the time limit, the University has extended the time till 31.10.2022, indicating that no further extension was



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permitted by the Pharmacy Council of India and the Indian Nursing Council beyond 31.10.2022.

4. This Court, accepting the contention made by the learned counsel appearing for the third respondent, also finds that the first grievance made by the petitioner has been answered.

5. Moving to the second contention made by the learned counsel appearing for the petitioner that when Pachamuthu College of Pharmacy is having intake of 40 seats, the total number of allotment made being 65, there appears to be a discrepancy, is concerned, Mr.Om Prakash, learned Senior Counsel appearing for the fourth respondent University, filing a detailed counter affidavit, explained to us that the said allegation is also untenable and false.

6. We are able to see from paragraph-9 of the counter affidavit filed by the fourth respondent that the Pharmacy Council of India in its 371



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Executive Committee dated 12.08.2022, 372 Executive Committee dated 12.08.2022, 373 Executive Committee dated 17.08.2022, 374 Executive Committee dated 28.08.2022 and 375 Executive Committee dated 26.08.2022 have taken a decision to reduce the intake for some self-financing pharmacy colleges which includes the M/s Pachamuthu College of Pharmacy canvassed by the petitioner. When the decision of the Pharmacy Council of India for the reduced intake has also been duly communicated to the third respondent/Selection Committee vide the letter dated 27.09.2022 by the fourth respondent, we do not find any merit in the allegation made by the learned counsel for the petitioner that the discrepancy in the seat matrix issued on 23.09.2022 has been rectified by the respondents only after filing of the writ petition. Therefore, finding no merits whatsoever, the writ petition stands dismissed. Consequently, W.M.P.No.25205 of 2022 is also dismissed. There shall be no order as to costs.

Speaking/Non speaking order
Index : yes/no
SS

(T.R.,A.C.J.) (D.K.K.,J.)
17.10.2022



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To

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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

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