



W.P(MD)No.11087 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11087 of 2013

1.Shashikumar Yadav

2.P.Dwarakanadha Reddy

3.M.Vijaya Laxmi

4.M.Madhu

5.G.Sateesh

6.V.Anjaneyulu

... Petitioners

Vs.

1.Pharmacy Council of India,
Represented by Registrar cum Secretary,
Combined Councils Building,
Kotla Road,
Aiwan-E-Ghalib Marg,
New Delhi-110 002.

2.Bharathidasan Institute of Technology,
Anna University,
Trichirapalli-620 024.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the M.Pharmacy degree obtained by the Petitioners from the second respondent while it was a Department of Bharathidasan University or a Department of Anna University is exempt from the provisions of Section 12 of the Pharmacy Act, 1948 not requiring approval of the course and exam by the first respondent and hence valid in law.

For Petitioner : Mr.S.Karthik
for M/s.Profexs Associates

For R1 : Mr.K.Ashok Kumar Ram

For R2 : No Appearance

ORDER

The present writ petition has been filed seeking a writ of Declaration for declaring that the M.Pharmacy degree obtained by the petitioners from the second respondent/Institute while it was a Department of Bharathidasan University is valid and the same is exempted from the provisions of Section 12 of the Pharmacy Act, 1948.

2. According to the petitioners, they have joined B.Pharmacy course in various colleges in the State of Tamil Nadu and Andhra Pradesh



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and they have passed the said course. Thereafter, the petitioners have joined M.Pharmacy course conducted by the second respondent/ Bharathidasan Institute of Technology in the year 2006 and they have completed the course in the year 2008. According to the petitioners, the second respondent was originally a Department of Bharathidasan University and it was subsequently transferred to Anna University with effect from the academic year 2007-08.

3. According to the petitioners, on the strength of the M.Pharmacy degree conferred upon them by the Bharathidasan University, they are working as Assistant Professors in private colleges and universities in the State of Tamil Nadu, Andhra Pradesh and other states from the year 2007 onwards. An inspection was conducted by the first respondent/Council in various colleges, in which the petitioners were working. At the time of inspection, the first respondent/Council had orally commented that the degree obtained by the petitioners from the second respondent/University is not valid and the same has not been recognised by the first respondent/Council. Apprehending adverse report, the petitioners have come out with the present writ petition.



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4. According to the petitioners, they are under a continuous apprehension with regard to the validity of the degree obtained by them from the second respondent/Institute. The second respondent being an University, is exempted under Section 12 of the Pharmacy Act, 1948 and they need not seek any prior permission for starting the said course. The M.Pharmacy degree has been conferred by the Bharathidasan University upon the petitioners in the year 2008 itself.

5. In view of the said apprehension, the petitioners have come out with the present case seeking declaration that M.Pharmacy degree obtained by them from the second respondent is valid and it is exempted from the provisions of 12 of the Pharmacy Act, 1948 and it does not require any approval of the course.

6. The petitioners herein have passed out M.Pharmacy degree in the year 2008. This petition has been filed in the year 2013. Though several opportunities were given to the first respondent/Council to file their counter or to come out with a clarification whether the degree obtained by the petitioners herein from the second respondent/Institute



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is valid or not, so far there is no proper response from the first respondent herein.

7. I have carefully considered the submissions made on either side.

8. A perusal of Section 12 of the Pharmacy Act, 1948 clearly reveals that only for conducting a course for Pharmacists, the institute has to apply to the Central Council for the approval of the course and it is for the Central Council to verify whether the said course is in conformity with the Educational Regulations and thereafter, declare the said course of study to be an approved course of study for the purpose of admission for pharmacists. Hence, it is clear that the Section 12 is applicable only for Under Graduate of B.Pharmacy. In the present case, the petitioners have already cleared B.Pharmacy and they have got registered themselves before the first respondent herein as Pharmacists. There is no grievance or allegation as against the B.Pharmacy degree obtained by the petitioners from various Universities from the State of Tamil Nadu and from other States.



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WEB COPY 11. With the above said observations, this Writ Petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No

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To

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R.VIJAYAKUMAR ,J.

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Order made in
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