



W.P.(MD)No.24010 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.10.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.24010 of 2022

1.B.Gokulakannan
2.K.Punniyamoorthy

... Petitioners

Versus

1.The State of Tamil Nadu
represented by its Principal Secretary,
Department of Public Health and Family Welfare,
Secretariat,
St. George Fort,
Chennai.

2.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

3.Vice Chancellor,
The Tamil Nadu Dr.M.G.R. Medical University,
69, Anna Salai,
Guindy,
Chennai,
Tamil Nadu 600 032.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notification in DIPR/1014/DISPLAY/2022, dated 02.10.2022,

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on the file of the second respondent and quash the same as illegal and consequently direct the second respondent to postpone the entrance examination for M.Pharmacy course for 2022 - 2023 until the completion of B.Pharmacy Course by the student of 2018 - 2022 batch.

For Petitioner : Mr.T.Lajapathi Roy
For R1 and R2 : Mr.J.John Rajadurai
Government Advocate
For R3 : Mr.S.Ramesh

ORDER

This Writ Petition has been filed challenging the impugned notification dated 02.10.2022, issued by the second respondent and to quash the same and consequently direct the second respondent to postpone the entrance examination for M.Pharmacy course for 2022 – 2023, until the completion of B.Pharmacy Course by the student of 2018 - 2022 batch.

2. The case of the petitioners is that they are B.Pharm students studying in Madurai Medical College 2018 – 2022 batch. They joined the course of B.Pharm in Madurai Medical College by way of counselling and they have completed the 1st year in the year 2019 and while the students were waiting for 3rd semester examination in the month of March 2020, examination was cancelled due to global pandemic. Thereafter, the students were permitted to



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write the 3rd semester examination in the month of January 2021 and the 4th semester examination in the month of March 2021. From the month of March 2021, classes commenced and students were permitted to attend the classes regularly, but no examination was conducted. The 5th semester examination was conducted only in the month of January 2022, after a lapse of one year and the 6th semester examination was conducted in the month of May 2022. As per the regular course, B.Pharmacy for the batch of 2018 – 2022 ought to have completed in the month of October 2022, but due to global pandemic in the year 2020 – 2021, the time span to complete the course has been extended.

3. It is the further case of the petitioner that the second respondent Department had conducted entrance examination for the course of M.Pharmacy for the batch of 2021 – 2022 in the month of May 2022 and the petitioner's seniors were admitted in the same after their completion of course in May 2022. Thereafter, after five months time, the second respondent Department has issued the impugned notification dated 02.10.2022, calling for application for the entrance examinations to be tentatively held on 29.10.2022 for the batch of 2022 – 2023. The petitioners belong to the batch of 2018 – 2022 and due to global pandemic, examination has been postponed and they will complete the course in the year 2023. For the students of B.Pharm batch of 2017 -2021, the entrance examination for M.Pharm has already been



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conducted on 08.05.2022. When the petitioners enquired the second respondent Department, he orally advised to apply for the examination of M.Pharm by paying the requisite fee of Rs.1000/-. By believing the words, more than 500 students have applied for the entrance examination. Later on, they were shocked to see that the candidates are supposed to complete B.Pharm degree to appear for the entrance examination of M.Pharm. Hence, the students of 2018 – 2022 batch have sent representations on 03.10.2022 and 11.10.2022 to the respondents. But no explanation has been given by the respondents till date. Hence, the present writ petition has been filed.

4. The Director, Directorate of Medical Education, Chennai, the second respondent herein has filed a counter, wherein it has been stated that the Government has issued order in G.O.(D).No.888, Health and Family Welfare (PME.1) Department, dated 26.08.2022 for admission to M.Pharmacy course for the academic year 2022 – 2023. Based on the said G.O., the impugned notification was issued on 02.10.2022 and the online applications are invited from 03.10.2022 to 12.10.2022 and the date for online application was extended up to 15.10.2022. As per Clause (3) of prospectus for admission to M.Pharmacy course for the academic year 2022 – 2023, candidates should possess a B.Pharmacy degree awarded by the Tamil Nadu Dr.M.G.,R. Medical University or any other University recognised as Equivalent there to by the



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Tamil Nadu Dr. M.G.R. Medical University / Pharmacy Council of India.

Candidates who have qualified from other Universities should obtain and produce an Eligibility Certificate from the Tamil Nadu Dr.M.G.R. Medical University at the time of admission, failing which they will not be considered for admission. The candidates, who have completed B.Pharm course alone will be allowed to write entrance examination. The cut off date for M.Pharmacy course is 30.11.2022 and the semester examination for the petitioners herein would complete tentatively on March 2023 and the petitioner will participate in the entrance examination for M.Pharmacy course for the academic year 2023 – 2024 session which has to be conducted in the month of September 2023.

5. Heard the learned counsel for the petitioners, learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

6. The petitioners apprehend that the entrance examination for the next academic year will be conducted at the end of September or October 2023 - 2024 and they will be losing their valuable time from March, after the examinations are conducted. The apprehension of the petitioners is premature, as the Government has followed the appropriate procedures to be followed in



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the pandemic situation and has postponed the examinations. That is the reason why, the examinations were conducted belatedly. The petitioners' apprehension that the examinations will be further postponed has no basis. So, the petitioners' apprehension can be redressed by giving a representation to the University for taking a decision on the date of examination and the same can be considered by the authority. The petitioners have written only the 7th semester and yet to complete the 8th semester. Thereafter, only after passing the examination, they will be given a degree and only after that, he can apply for the entrance examination and this Court is not inclined to accept the claim of the petitioners, but only giving them an opportunity of sending representation to the authorities to consider the plight of the students, who have wasted the time during the pandemic situation and conduct an entrance examination at the earliest, after the final examination of B.Pharmacy is completed.

7. With the above observation, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No

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To



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V.BHAVANI SUBBAROYAN, J.

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- 1.The Principal Secretary,
State of Tamil Nadu,
Department of Public Health and Family Welfare,
Secretariat,
St. George Fort,
Chennai.
- 2.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.
- 3.Vice Chancellor,
The Tamil Nadu Dr.M.G.R. Medical University,
69, Anna Salai,
Guindy,
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