



W.P.No.27701 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27701 of 2024

And

W.M.P.No.30220 of 2024

B.Benin Rick

... Petitioner

Vs.

1.The Registrar

The Tamil Nadu Dr.M.G.R. Medical University
69, Anna Salai,
Little Mount,
Guindy, Chennai,
Tamil Nadu – 600 032.

2.The Director

Directorate of Medical Education,
Admin Office, Directorate of Medical Education,
156, Poonamallee High Road,
New Bpathy Nagar,
Chetpet, Chennai – 600 031.

3.The Principal

S.S.M. College of Pharmacy,
S.F. No.834/1 & 2, Chinniyampalayam,
Jambai Bhavani Taluk,
Erode District – 638 312.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents to furnish the



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petitioner his application Form for the second year Pharm.D (6 years) course examination of October 2024 enabling the petitioner to pay the examination fee and write examination as per schedule.

For Petitioner : Mr.CKM.Appaji

For Respondents : Mr.Mohd. Ghouse for R1
Mr.E.Sundaram for R2
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to furnish the petitioner his application form for the second year Pharm.D (6 years) course examination of October 2024 enabling the petitioner to pay the examination fee and write the examination as per schedule.

2.The case of the petitioner is that the petitioner is studying second year Pharm. D course at the third respondent College. He attended the first year Pharm.D course examination during October, 2023 and the result was published on 28.12.2023 and he passed in two subjects out of five subjects. Thereafter, he attended the supplementary examination for the first year during April, 2024 and the result was published on 11.07.2024 and he cleared up all the



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subjects in the first year course. The petitioner approached the office of the third respondent and sought to furnish the exam application for the second year course, however, he was not furnished with the application and was informed that his supplementary examination result was not uploaded in the website and hence, he is not entitled for exam application. In this regard the petitioner made representation dated 11.09.2024 to the respondents through email and speed post, however, there is no response. Hence this writ petition.

3.The learned counsel appearing for the petitioner submitted that as per clause 34 of the Regulation of the Tamil Nadu Dr.M.G.R. Medical University in Pharm. D course (effective from 2010 – 2011 batch onwards), the candidates who have appeared and failed in annual examination of the particular academic year to allow to appear for the supplementary examination without loosing additional six months and if a candidate fails in more than two subjects in the supplementary examination shall not be permitted to the next year classes.



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4.The learned counsel appearing for the petitioner further submitted that though the petitioner passed only in two subjects out of

five subjects in the first year Pharm.D course examination conducted during October, 2023, thereafter he attended the supplementary examination for the first year during April, 2024 and he cleared up all the subjects in the first year course. Hence, not permitting the petitioner to participate in the second year examination is contrary to clause 34 of the Regulation of the Tamil Nadu Dr.M.G.R. Medical University.

5.Per contra, the learned counsel appearing for the first respondent submitted that the Tamil Nadu Dr.M.G.R. Medical University was following University regulations for each courses till the year 2012, which is not in force now. From the year 2013 onwards, the University is following Pharmacy Council of India (PCI) norms. As per Pharm D Regulations 2008 published by PCI Regulations, New Delhi, the eligibility for appearing for examination (Sl.No.11) is 'only such students who produce certificate from the Head of the Institution in which he or she has undergone the Pharm.D or as the case may be the pharm.D (Post Baccalaureate) course in



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proof of his or her have regularly and satisfactorily undergone the course of study by attending not less than 80% of the classes held both in theory and in practical

separately in each subject shall be eligible for appearing at examination' and the eligibility for promotion to next year (Sl.No.15) is 'all students who have appeared for all the subjects and passed the first year annual examination are eligible for promotion to the second year and so on, however failure in more than two subjects shall debar him or her from promotion to the next year classes.

6.The learned counsel appearing for the first respondent further submitted that clarification regarding evaluation of Remedial Mathematics / Biology (I year subject of Pharm.) vide ref No.14-126/2009-PCI/5674-728 dated 05.06.2010 has been published by PCI and according to the same, '(a) with the prior approval of the concerned examining authority, the institution can evaluate subjects of Remedial Mathematics / Biology either at its own level or the evaluation be conducted by the examining authority as prescribed under Pharm. D Regulations, 2008 and (b) any one of the two subjects either Remedial Mathematics or Biology can be carried



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forward to second year Pharm. D as an additional failed subject along with failed subjects of first year under regulation 15 of the Pharm.D Regulation, 2008 subject to the condition that failure in more than two subjects

shall debar the candidate from promotion to next year class (III year)'.
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7.Heard the arguments advanced on either side and perused the materials available on record.

8.Admittedly, the petitioner is studying second year Pharm. D course at the third respondent College. He attended the first year Pharm.D course examination during October, 2023 and the result was published on 28.12.2023 and he passed in two subjects out of five subjects. Thereafter, he attended the supplementary examination for the first year during April, 2024 and the result was published on 11.07.2024 and he cleared up all the subjects in the first year course.

9.It is the contention of the learned counsel appearing for the first respondent that the Tamil Nadu Dr.M.G.R. Medical University was



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following University regulations for each courses till the year 2012, and the same is not in force now. From the year 2013 onwards, the University is following Pharmacy Council of India (PCI) norms according to which, students who have appeared for all the subjects

and passed the first year annual examination are eligible for promotion to the second year and so on, however failure in more than two subjects shall debar him or her from promotion to the next year classes.

10.In the present case, the petitioner attended the first year Pharm.D course examination during October, 2023 and the result was published on 28.12.2023 and he passed only in two subjects out of five subjects. Thereafter, he attended the supplementary examination for the first year during April, 2024 and the result was published on 11.07.2024 and he cleared up all the subjects in the first year course. However, as per the Pharmacy Council of India norms, students who have appeared for all the subjects and passed the first year annual examination are eligible for promotion to the second year and so on, however failure in more than two subjects



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shall debar him or her from promotion to the next year classes.

When the petitioner cleared all the subjects, the second year courses started and there is no possibility for the petitioner to continue the second year course. Hence, the relief sought for in this writ petition cannot be granted in view of the PCI norms.

11.The writ petition is dismissed. However, the petitioner is entitled to participate in the next year examination. No costs. Consequently, the connected miscellaneous petition is closed.

30.09.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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