



WEB COPY



W.P.No.35643 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35643 of 2023

and

W.M.P.No.35598 of 2023

Eswary Ponnusamy Educational And Charitable Trust,
Rep By Its Secretary And Chairman
Er. G. Ponnusamy B.E.,
No.71/D, Vaniyambadi Road Tirupattur ITI Campus,
Tirupattur Tirupattur District
Established And Administering
GP Pharmacy College,
Mandalavadi Village Jolarpet,
Tirupattur Taluk, Tirupattur 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,
Represente By The Secretary Cum Registrar,
NBCC Centre 3rd Floor Plot No.2,
Community Centre, Maa Anandamai 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.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned orders passed by the 1st Respondent vide Lr. No Affln. I (5) / 41319 / 2023 dated 30.11.2023 quash the same and direct the 1st Respondent to grant consent of affiliation to the petitioner college to start additional courses namely M.Pharm (Pharmaceutical Analysis and Pharmaceutics and Pharmaceutical Regulatory affairs) and Pharm.D for the academic year 2024-25 without insisting Essentiality certificate form the Government.

For Petitioner : Mr.D.Prabhu Mukunth Arun Kumar

For Respondents : Mr.A.Mohammed Gouse,
Standing Counsel (for R1);

: Mr.K.Tippu Sunthan,
Government Advocate (for R3);

: Mr.M.T.Arunan,
Standing Counsel (for R2).

ORDER

The writ of certiorarified mandamus has been filed challenging the impugned orders passed by the 1st Respondent vide Lr. No Affln. I (5) / 41319 / 2023 dated 30.11.2023 quash the same and direct the 1st



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Respondent to grant consent of affiliation to the petitioner college to start additional courses namely M.Pharm (Pharmaceutical Analysis and Pharmaceutics and Pharmaceutical Regulatory affairs) and Pharm.D for the academic year 2024-25 without insisting Essentiality certificate form the Government.

2. Mr.A.Mohamed Gouse, learned Counsel appearing on behalf of the 1st respondent would submit that the application has already been returned for want of Essentiality Certificate under communication dated 30.11.2023 and thus, there is no application pending as of now.

3. In such circumstances, liberty is granted to the petitioner to re-present the application reiterating the requests made under application requesting for starting M.Pharm (Pharmacology) Courses for the academic year 2024-2025. Such application, if and when made shall be considered by the respondents, in line with the ratio of the order of the 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 dated 16.06.2020] and several other orders following the ratio of the order in re.



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Annai J.K.K.Sampoorani Ammal Charitable Trust, within a period of two weeks from the date of receipt of the application after the hearing the petitioner.

4. Accordingly, this Writ Petition stands **disposed of**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

29.04.2024
(2/3)



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S.M.SUBRAMANIAM. J.,

(sha)

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