



W.P.(MD) No.23307 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23307 of 2025

and

W.M.P(MD)Nos.18313 & 18314 of 2025

K.Subramania Nadar Vadivoo Ammal Educational Trust,
No.99, Main Road, Vasudevanallur,
Tirunelveli- 627 758,
Established and Administering
S.Thangapazham Pharmacy College,
2/280, Chinthamanipriputhu, Vasudevanallur,
Athuvazhi, Sivagiri Taluk,
Tenkasi District.
Rep.by its Managing Trustee and Correspondent,
T.Murugesan.

.. Petitioner

Vs.

- 1.The Registrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-600 032.
- 2.The Pharmacy Council of India,
Represented by the Secretary cum Registrar,
NBCC Centre, 3rd Floor, Plot No.2,
Community Centre, MaaAnandamai Marg,
Okhla Phase I, New Delhi – 110 020.



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3. The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai – 600 010.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in Lr.No. Affln.I(1)/26814/2024 dated 28.04.2025 quash the same and direct the 1st respondent to grant continuance of provisional affiliation to the Petitioner College for increase intake of seats from 60 to 100 in B.Pharm Degree course for the academic year 2025-26.

For Petitioner : Mr.D.Prabu Mukunth Arun Kumar

For R1 : Mr.A.S.Vaigunth
Standing Counsel

For R3 : Mr.T.Amjad Khan
Standing Counsel

ORDER

The writ petition is filed for the following relief:

“To call for the records relating to the impugned order of the 1st respondent in Lr.No. Affln.I(1)/26814/2024 dated 28.04.2025 quash the same and direct the 1st respondent to grant continuance of provisional affiliation to the Petitioner College for increase intake of seats from 60



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to 100 in B.Pharm Degree course for the academic year 2025-26.”

2. The short facts are as follows:

(a) The petitioner Trust has been imparting quality education in rural area by establishing Polytechnic College, Agricultural College, Naturopathy College, Law College, Nursing College and also a college for Pharmacy. They have been conducting B.Pharm course from 2024-25 onwards.

(b) The petitioner Trust was granted permission to start the B.Pharm degree course by the Government of Tamil Nadu vide G.O.Ms.No.198, Health and Family Welfare (PME.1) Department, dated 31.07.2024 with an annual intake of 60 students from the academic year 2024-25 onwards. The 2nd respondent thereafter has granted approval to admit 100 students for the academic year 2024-25 by an order dated 29.11.2024. The petitioner would submit that by an order, dated 06.12.2024, the 1st respondent University had called for particulars for provisional affiliation without admission for B.Pharm course. This order was challenged in W.P(MD)No.29817 of 2024. By an order dated



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06.01.2025, this Court had directed the 1st respondent, on receipt of the required forms from the petitioner's college, to issue provisional affiliation to the petitioner's college, if the same is otherwise qualified, within a period of one week. On receipt of the provisional affiliation from the 1st respondent, the petitioner was given liberty to give a fresh representation to the 1st respondent to permit the petitioner's college to fill up atleast the management quota for the current academic year.

(c) Subsequent to the order passed by this Court, the 1st respondent by proceedings dated 13.01.2025 had granted provisional affiliation to start B.Pharm degree course with an annual intake of 60 seats. The petitioner college was able to admit only the management seats for the academic year 2024-25.

(d) The petitioner Trust submitted an application for increase of the intake of seats from 60 to 100 for the academic year 2025-26 to the 1st respondent University. The petitioner was entitled to be granted the above request, since the 2nd respondent had granted intake of 100 seats



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2024-25. However, by the impugned order dated 28.04.2025, the request has been turned down by the 1st respondent University. The reasons for the refusal are as follows:

(i) The non-submission of the Government Order for increase of intake from 60 to 100,

(ii) As per SI.No.58 of Tamil Nadu Dr.M.G.R Medical University (Affiliation of Pharmacy College) Statutes, it is stated that no Pharmacy college can apply for increase in seats in B.Pharmacy degree course until the first batch of students successfully complete the course and leave the college. On these two grounds, the request was rejected.

Challenging the same, the petitioner is before this Court.

(e) The main grievance of the petitioner is that under the Pharmacy Act, 1948, issues relating to increase of seats exclusively falls within the domain of the 2nd respondent herein. The 1st respondent University cannot present into service SL.No.58 of the Statute. The petitioner would further submit that this issue is no longer *res integra* as there are several judgments of the Hon'ble Supreme Court as well as this Court holding



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that it is for the 2nd respondent to consider the issue relating to the increase of intake.

3. The learned counsel for the petitioner would reiterate the above contention set out in the affidavit filed in support of the writ petition and the learned Standing Counsel for the 1st respondent would submit that the petitioner has not obtained any Government Order increasing the seat from 60 to 100 for the academic year 2025-26. Further the Pharmacy degree course was started only in the academic year 2024-25 and the students of this batch are yet to pass out of the college. The issue regarding the authority who could consider the enhancement of seats in Pharmacy course has been dealt with by the Hon'ble Supreme Court in the case of *Pharmacy Council of India Vs. Dr.S.K.Toshniwal Educational Trusts Vidarbha Institute of Pharmacy & Others* reported in **2021 (10) SCC 657**, where the issue related to the authority which is empowered to determine issues concerning approval of courses of study, minimum standards of education required for qualification as a Pharmacist, registration as a Pharmacist, regulation of future professional



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conduct, increase and/or decrease in intake capacity of the students etc.

After considering the various provisions of the Pharmacy Act and also the judicial pronouncements in this regard, the Hon'ble Supreme Court had observed as follows:

20. In view of the above and for the reasons stated above, it is held that in the field of Pharmacy Education and more particularly so far as the recognition of degrees and diplomas of Pharmacy Education is concerned, the Pharmacy Act, 1948 shall prevail. The norms and regulations set by the PCI and other specified authorities under the Pharmacy Act would have to be followed by the concerned institutions imparting education for degrees and diplomas in Pharmacy, including the norms and regulations with respect to increase and/or decrease in intake capacity of the students and the decisions of the PCI shall only be followed by the institutions imparting degrees and diplomas in Pharmacy. The questions are answered accordingly.

4. This judgment has been followed in various judgements of this Court and in a recent case in W.P.No.4295 of 2025, a similar issue as involved in the present case had been considered and the learned Judge



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relying upon the case of ***Pharmacy Council of India Vs. Dr.S.K.Toshniwal Educational Trusts Vidarbha Institute of Pharmacy & Others*** reported in ***2021 (10) SCC 657***, the Pharmacy Act, regulation etc., allowed the writ petition. The relevant portion of the same is as follows:

13. From the aforesaid judgment it is lucid that norms and regulations laid down by the PCI under the Pharmacy Act, alone occupy the field even for increase or decrease in intake of seats. The first respondent University cannot for the purpose of consent of affiliation impose its own statute. Hence, in my view the reason cited in the impugned order for rejecting the petitioner's request for increase in intake of seats, cannot be sustained as it runs counter to the PCI norms and regulations which alone prevail.

5. The aforesaid judgements apply on all fours to the case on hand. Therefore, this writ petition is allowed and the impugned order, dated 28.04.2025 is set aside. The respondent is directed to grant provisional affiliation to the Petitioner College for increase intake of seats from 60 to 100 in B.Pharm Degree course for the academic year 2025-26.



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6. It is also brought to the notice of this Court that the counselling is to commence tomorrow i.e., 04.09.2025. Hence, the petitioner shall be permitted to participate in the counselling and the appropriate instructions shall be given by the learned Standing Counsel without awaiting a copy of the order as orders have been pronounced in the open Court.

7. This Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.09.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

1. The Registrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-600 032.



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2.The Pharmacy Council of India,
Represented by the Secretary cum Registrar,
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Okhla Phase I, New Delhi – 110 020.

3.The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai – 600 010.



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P.T.ASHA, J.

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