



W.P.(MD)No.31414 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.31414 of 2024

and

W.M.P.(MD)No.26306 of 2024

Sun College of Pharmacy & Research Centre,
Represented by its Chairman.

... Petitioner

Vs.

1. The Registrar,
Tamilnadu Dr. MGR Medical University,
Post Bag No.1200, No.69,
Anna Salai, Guindy,
Chennai - 600 032.
2. The Pharmacy Council of India,
Represented by its Secretary Cum Registrar,
NBCC Campus, 3rd Floor,
Plot No.2, Community Centre,
Maa Anandamai Marg,
Okhla Phase I, New Delhi.
3. The Government of Tamilnadu,
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 for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Affln. I(5)/36679/2024 dated 25.11.2024 and quash the same and direct the 1st respondent to grant consent of affiliation to the petitioners' college.

For Petitioner : Mr.C.Rajakumar
For Respondents : Mr.C.Vaigunth (R1)
Mr.K.Govindarajan (R2)
Deputy Solicitor General
Mr.T.Amjad Khan (R3)
Government Advocate

ORDER

Challenging the impugned order dated 25.11.2024 requiring the petitioner to produce the essentiality certificate for considering the application for approval of affiliation of M.Pharm., Pharm.D and Pharm.D(PB) courses for the academic year 2025-26 this writ petition is filed.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The learned counsel appearing for the petitioner submitted that the State Government has no locus standi to seek for the essentiality certificate and the matter has already been well covered by the order of this Court in WP.No. 19594 of 2023 dated 30.06.2023 and the relevant portion is extracted hereunder:-

“7. The Division Bench of this Court in the case in W.A.No.3534 of 2019 (Annai J.K.K.Sampoorani Ammal Charitable Trust, rep.by its Management Trustee vs. the Registrar, Tamil Nadu Dr.M.G.R.Medical University, Chennai), held as follows:

"17. The State Government lacks power to insist upon obtaining of Essentiality Certificate for the purpose of production before the first respondent/University for processing the Consent of Affiliation. Though heavy reliance has been placed upon the letter of the Principal Secretary to Government of Tamil Nadu, Department of Health and Family Welfare dated 31.08.2018 in Letter No. 38630/PME2/2016~4, referred to supra, the said letter has no application to the case on hand for the reason that the said instructions came to be issued in the light of stand alone courses conducted by the first respondent/University, which do not have any affiliation with any of the Statutory Councils, namely MCI/DCI/PCI. Therefore, it is held that it is not obligatory on the part of the appellant to obtain Essentiality Certificate from the State Government and produce before the first respondent / University



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for processing the Consent of Affiliation.

18. In the light of the reasons assigned above, the impugned order dismissing the writ petition warrants interference.

19. In the result, this Writ Appeal is allowed and the order dated 14.10.2019 made in W.P.No. 25473 of 2019 is set aside and as a consequence, the impugned letter of the first respondent / University dated 05.08.2019, signed on 07.08.2019, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

The aforesaid view has been reiterated by the learned Single Judge in the case in W.P.No.14834 of 2020, dated 10.11.2020 (PGP Educational and Welfare Society, rep.by its Secretary Mr.K.Kandasamy Vs. The Registrar, Tamil Nadu Dr.M.G.R.Medical University, Chennai), holding as follows:

"22.In view of the above discussion, this Court is of the considered view that the Scheme framed under the Regulations by the Pharmacy Council of India does not contemplate any permission from the State Government after approval is granted by the Pharmacy Council of India for increase in intake either in the B.Pharm or M. Pharm Course in an existing Institution and the University must necessarily act upon the approval and grant provisional affiliation to the Institution. This is the manner in which the Pharmacy Council of India has understood the Scheme framed under the Regulations and it is uniformly applied in all the States and therefore the Government of Tamil Nadu cannot give a different interpretation and meaning than the one that is given by the Pharmacy Council of India.

23.In the result, the Impugned Letter issued by the 1st Respondent University dt. 25.07.2020, is hereby quashed and there shall be a direction to the 1st Respondent University to grant provisional



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affiliation to the Petitioner Institution for the academic year 2020~2021, by considering the representation dt.18.05.2020."

5. Fully fortified by the aforesaid order, this Court is of the considered view that the impugned order is liable to be quashed for the reason that the State Government do not have power to seek essentiality certificate. Accordingly, the impugned order dated 25.11.2024 is hereby quashed and the matter is remanded back to the first respondent. The first respondent is directed to process the application submitted by the petitioner for grant of affiliation of M.Pharm., Pharm.D and Pharm.D(PB) courses for the academic year 2025-26, on merits and in accordance with law, within a period of one week from today.

6. With the above direction, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.01.2025

NCC : Yes / No
Index : Yes / No
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Note: Issue order copy on 02.01.2025.



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L.VICTORIA GOWRI, J.

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TO:-

1. The Registrar,
Tamilnadu Dr. MGR Medical University,
Post Bag No.1200, No.69,
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Chennai - 600 032.
2. The Pharmacy Council of India,
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Okhla Phase I, New Delhi.
3. The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

Order made in
W.P.(MD)No.31414 of 2024

Dated
02.01.2025