

The Director Vs. the Kerala University of Health Sciences

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Court : Kerala

Decided On : Jan-29-2014

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : The Director

Respondent : The Kerala University of Health Sciences

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI WEDNESDAY, THE 29TH DAY OF JANUARY 2014 9TH MAGHA, 1935 WP(C).No. 24784 of 2011 (W) ----- PETITIONER: ----- THE DIRECTOR, ST.JAMES COLLEGE OF PHARMACEUTICAL SCIENCE, RIVER BANK, CHALAKKUDY. BY ADVS.SRI.KURIAN GEORGE KANNANTHANAM (SR.) SRI.MATHEW K. SIMON RESPONDENTS: ----- 1. THE KERALA UNIVERSITY OF HEALTH SCIENCES MEDICAL COLLEGE.P.O., THRISSUR-680596, REPRESENTED BY ITS REGISTRAR.

2. VICE CHANCELLOR, THE KERALA UNIVERSITY OF HEALTH SCIENCE, MEDICAL COLLEGE.P.O. THRISSUR-680596.

3. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT THIRUVANANTHAPURAM-695001. R,R1 BY ADV.

SRI.P.SREEKUMAR,SC,KERALA UTILITY HEALTH & R BY GOVERNMENT
PLEADER SRI. P. FAZIL THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 29.01.2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: WP(C).No. 24784 of 2011 (W) APPENDIX PETITIONER'S
EXHIBITS: P1: TRUE COPY OF THE CERTIFICATE DATED 24.5.2007 ISSUED
BY THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL
INSTITUTIONS. P2: TRUE COPY OF COVERING LETTER OF THE
APPLICATION DATED 27.8.2010 SUBMITTED BY THE PETITIONER FOR
AFFILIATION. P3: TRUE COPY OF THE LETTER TO THE GOVT. REQUESTING
THE GRANT OF NOC, DATED 10.12.2010. P4: TRUE COPY OF THE
COMMUNICATION FROM THE UNIVERSITY REQUIRING THE NOC OF THE
GOVERNMENT DATED 9.5.2011. P5: TRUE COPY OF THE CONSENT OF
AFFILIATION GIVEN BY THE UNIVERSITY DATED 8.7.11. P6: TRUE COPY OF
THE REPRESENTATION GIVEN BY THE PETITIONER TO THE GOVERNMENT
ON 12.7.2011 P7: TRUE COPY OF THE APPROVAL GRANTED BY THE PCI. P8:
TRUE COPY OF THE

JUDGMENT

DT. 26.10.2006 IN WP(c) NO.24430/2006 OF THIS HON. COURT.
RESPONDENTS' EXHIBITS: R1 A: A TRUE COPY OF THE CIRCULAR
DATED 22.11.2010 ISSUED BY THE THIRD RESPONDENT. R1 B: A TRUE
COPY OF THE LETTER DATED 4.2.2011 ISSUED BY THE 3RD RESPONDENT.
//TRUE COPY// PA TO JUDGE Scl. A.V.RAMAKRISHNA PILLAI, J.

===== W.P(C) No.24784 of 2011 =====
===== Dated this the 29th day of January, 2014

JUDGMENT

The petitioner has come up before this Court against the stand taken by the State
that unless the petitioner enters into an agreement with the Government
surrendering 50% of the seats to them, no LOP would be granted.

2. The petitioner is the Director of a Self Financing Pharmacy college. The said
college was established in 2004, offering B Pharm Courses. The petitioner applied
for approval of PCI to start Pharm D program and the PCI granted the same.

However, the application for affiliation was given to the new Health University and the University so far has no Regulations, Rules or Ordinances and, therefore, there is no guideline as to how should an application for affiliation is to be dealt with.

3. The grievance of the petitioner is that the University insists that unless the petitioner obtains a letter of permission from the Government, no affiliation would be granted.

4. When the matter came up for hearing, the learned counsel for the petitioner invited my attention to the interim order passed by this Court on 23.09.2011 wherein it was directed that on the WP(C).24784/11 -:2:- petitioner filing an affidavit before the University, of having complied with the conditions imposed by the PCI regarding the appointment of teaching staff in terms of the Regulations 2008, respondents 1 and 2 should pass orders on the application made by the petitioner for affiliation of Pharm D Course in the petitioner's College without insisting on compliance with Exts.R1(a) and R1(b) guidelines issued by the 3rd respondent. The learned counsel for the petitioners submitted that in the light of the above, the University has passed consequential orders and no further orders are necessary. Therefore, the writ petition is closed without examining the merits.
Sd/- A.V.RAMAKRISHNA PILLAI JUDGE krj /True Copy/ P.A to Judge

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