



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5827 of 2020

and

W.M.P.Nos.6827 & 6829 of 2020

1. V.Rathinakumar
S/o.S.Vaidyanathan

2. Pugazhenth
S/o.Tirounavalane

...Petitioners

Vs.

1.Union of India
Represented by its Chief Secretary to Government
Government of Pondicherry
Chief Secretariat, Pondicherry.

2.The Secretary to Government
Department of Health and Family Welfare
Government of Puducherry
Puducherry.

3.The Registrar
Pondicherry Pharmacy Council
Indira Nagar, Gorimedu, Puducherry.

4.The Returning Officer - cum - Junior Accounts Officer
Directorate of Health and Family Welfare Service
Government of Pondicherry
Pondicherry.

5.M.Anbuselvan

6.A.Jaganathan

7.R.Jayapragash

8.S.Kavimani

Page No. 1/3



9.P.Sathiamurthi

10.B.Vinoth Kumar

...Respondents

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order published in Government Gazette Notification dated 13.12.2018, vide No.PPC/Election/18-19/5, issued by the 4th respondent and quash the same and further direct the respondents to conduct fresh Election for electing members to the State Pharmacy Council of Pondicherry, strictly contemplating to the provisions of the Pondicherry Pharmacy Council Rules, 1972, in a demarcating manner.

For Petitioners : Mr.B.Balavijayan
For Respondents : Mr.B.Nambiselvam
Additional Government Pleader (P)
for R1 to R4

O R D E R

This writ petition is filed seeking for the following relief:

To call for the records pertaining to the impugned order published in Government Gazette Notification dated 13.12.2018, vide No.PPC/Election/18-19/5, issued by the 4th respondent and quash the same and further direct the respondents to conduct fresh Election for electing members to the State Pharmacy Council of Pondicherry, strictly contemplating to the provisions of the Pondicherry Pharmacy Council Rules, 1972, in a demarcating manner.

2. Heard the learned counsel for the petitioners and perused the materials placed before this Court.

3. The petitioners seek to challenge the election conducted to the State Pharmacy Council of Pondicherry. It is seen that after conducting such election, the same was notified in the Government Gazette on 13.12.2018. It is an admitted fact that the petitioners have already filed a election petition before the second respondent and the same is pending.

4. When such being the factual position, it is not known as to how the present writ petition is filed challenging the very same election before this Court. Needless to state that the



petitioners have to work out their remedy before the second respondent, where the election petition is pending. Therefore, without expressing any view on the merits of the matter, this Writ Petition is dismissed as not maintainable, in view of the pendency of the election petition already filed before the second respondent. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

mk
To

- 1.The Chief Secretary to Government
Union of India
Government of Pondicherry
Chief Secretariat, Pondicherry.
- 2.The Secretary to Government
Department of Health and Family Welfare
Government of Puducherry
Puducherry.
- 3.The Registrar
Pondicherry Pharmacy Council
Indira Nagar, Gorimedu, Puducherry.
- 4.The Returning Officer - cum - Junior Accounts Officer
Directorate of Health and Family Welfare Service
Government of Pondicherry
Pondicherry.

+1 cc to Mr.B.Bala Vijayan Advocate sr20404
+1 cc to the Government Pleader sr20382

W.P.No.5827 of 2020

aa14/07/2020