



W.P. No.2675 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.2675 of 2022

The Indian Pharmacists Association
Rep. By its General Secretary,
G. Palani

... Petitioner

Vs

1. State of Tamil Nadu
Rep. by the Principal Secretary to Government
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2. The Registrar,
Tamilnadu Pharmacy Council
Block-E, 1st Floor,
Bharathiar Complex,
100 Feet Inner Ring Road,
Vadapalani,
Chennai – 600 026.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 09.12.2021 requesting for the conduct of



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election of 6 members to the Tamil Nadu Pharmacy Council under Section 19(a) of Pharmacy Act, 1948 through Online Mode by suitably amending the Tamil Nadu Pharmacy Council Rules, 1953.

For petitioner	: Mr.S. Sathia Chandran
For respondents	: Mr. E. Sundaram Govt. Advocate for R1 Mr.R. Rengaramanujam for R2

ORDER

The prayer sought for in this writ petition is for Mandamus seeking for a direction to the 1st respondent to consider the petitioner's representation, dated 09.12.2021 requesting for the conduct of election of 6 members to the Tamil Nadu Pharmacy Council under Section 19(a) of Pharmacy Act, 1948 through Online Mode by suitably amending the Tamil Nadu Pharmacy Council Rules, 1953.

2. It is the case of the petitioner that their Association is a registered Society under the Tamil Nadu Societies Registration Act, 1975. It is further stated that the petitioner Association made a detailed representation dated 09.12.2021 to the respondents requesting them to make necessary Amendments in the Rules viz., Tamil Nadu Pharmacy Council Rules, 1953



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for conducting Online election of 6 members under Section 19(a) of Pharmacy Act, 1948 on similar lines of the Indian Veterinary Council (Amendment) Rules 2019 and sent necessary applications to that effect. In response, the 2nd respondent by its letter dated 03.01.2022 replied that the Tamil Nadu Pharmacy Council at its meeting held on 29.10.2021 has discussed about the electronic mode of election to council in future. Since the decision is yet to be taken by the 1st respondent with regard to the mode of election, till date, election was not conducted. Hence, this writ petition has been filed with the aforesaid prayer.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the 1st respondent to consider the petitioner's representation, dated 09.12.2021 and pass appropriate orders within the time frame as fixed by this Court.

4. Per contra, learned counsel for the 2nd respondent reiterating the counter affidavit filed by the 2nd respondent submitted that if the election is conducted by postal ballot method, a huge sum of Rs.60,00,000/- will be



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spent. He pointed out that it was resolved during the Special Meeting held on 29.10.2021, to amend the Rules suitably to conduct future elections in electronic mode. In such a scenario, it is for the 1st respondent to take a decision and to amend the rules suitably and the 2nd respondent has no role to play. Therefore, suitable directions may be issued by this Court to the 1st respondent in this regard.

5. Based on the counter affidavit filed by the 1st respondent, learned Government Advocate appearing for the 1st respondent submitted that though the proposal of online mode is welcomed by the 1st respondent, but due to some technical issues, it could not be feasible now, to comply /conduct the ensuing election of State Pharmacy Council through online mode. In such a situation, there is no need to amend the rule at this stage. In view of the above, he prays for dismissal of this writ petition.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court directs the 1st respondent to consider the petitioner's representation dated 09.12.2021 with regard to conduct of election through online mode or postal ballot mode, by suitably amending the Tamil Nadu Pharmacy Council Rules, 1953 and take a decision with regard to the above, within a period of four weeks from the date of receipt of a copy of this order. Based on the decision taken by the 1st respondent, the petitioner Association shall conduct election, either online mode or postal ballot mode, within a period of twelve weeks thereafter.

8. The writ petition stands disposed of accordingly. No costs.

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Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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M.DHANDAPANI, J.

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To

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State of Tamil Nadu
Health and Family Welfare Department,
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