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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7756/2024**

DINESH KUMAR MADAN

..... Petitioner

Through: Mr. Dhruv Madan, Adv.

versus

UNION OF INDIA & ANR.

..... Respondent

Through: Mr. Satyakam, ASC for GNCTD

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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27.05.2024

CM APPL. 32156/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 7756/2024

1. The Petitioner has approached this Court with the following prayers:-

“a) Pass a writ/ direction directing the Respondent No. 1 to expedite the constitution of the body of Delhi Pharmacy Council as constituted by the Government of Delhi under The Pharmacy Act of 1948, as prescribed in the statute in accordance with the 10.01.2024 and 19.02.2024 sent by the Respondent No.2 to Respondent No. 1.; and;

b) Pass a writ/ order/ direction that the term of tenure of the Council so constituted shall commence from/ on the date of such constitution of the Delhi Pharmacy Council, and;

c) Pass any other or further order/ s as this Hon'ble



Court deems fit and proper, in the facts and circumstances of the present case, in the interest of justice.”

2. Material on record indicates that for the very same nature of prayers, the Petitioner has already approached this Court by filing W.P.(C) 868/2023 and the same was disposed of by this Court *vide* Order dated 15.02.2023.

The relevant portion of the said order reads as under:-

“6. Admittedly, the Delhi Pharmacy Council consists of an elected body for which elections have been conducted, way back, on 2nd November, 2021. The returning officers have communicated the results of the elections on 25th November, 2021 to the GNCTD as also to the Registrar. There is no reason for the notification of the results to be delayed for so long. Even if this Court takes into consideration the order passed on 25th May, 2022 by the Id. Single Judge and the order of the hon'ble Lieutenant Governor dated 2nd August, 2022, almost six months have elapsed since then. The notification of results ought to have been done expeditiously and escalation of file within the government departments, cannot be a ground for delay.

7. Accordingly, it is directed that the results of the elections of the Delhi Pharmacy Council shall be declared within a period of three weeks, as requested by Id. Counsel for the GNCTD, through a gazette notification. Any further delay would be attributable to the Secretary, Health and Family Welfare GNCTD.

8. The writ petition, along with all pending applications, is disposed of in these terms. If there is any delay in the same, the Petitioner is free to approach this Court by way of an application.”



3. Stating that the said order has not been complied with, a contempt petition being CONT.CAS(C) 492/2023 has been filed by the Petitioner and is pending. A second writ petition on the very same ground cannot be filed is nothing but an abuse of the process of law.

4. The writ petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 27, 2024

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