

S/L 15
30.03.2026
Court. No. 25
suvayan

WPA 7096 of 2026

Nita Mandal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumdar, Sr. Adv.
Mr. Sudipta Dasgupta
Mr. Baibhav Roy

...for the petitioners.

Mr. Amal Kr. Sen, Id. A.A.G.
Mr. Lal Mohan Basu

...for the State.

Mr. Jaydip Kar, Sr. Adv.
Mr. P. Baidya
Mr. Soham Banerjee

...for the respondent nos. 3, 4 & 5.

Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Arpan Guha
Mr. Saikat Dey

...for the respondent nos. 6 & 7.

1. The grievance of the petitioners in the present writ application that after the election of West Bengal Pharmacy Council under Section 19A of the Pharmacy Act, 1948, the petitioners have submitted an objection to the said election on April 1, 2025 but in spite of receipt of the said complaint, till date no decision has been taken.
2. Learned counsel for the petitioners submits that as per Section 24, if any dispute arises regarding the election, it shall be referred to the Government whose decision shall be final. The petitioners also referred to Rule 23 of the Rules for the election of members including the President and Vice-President of the West Bengal Pharmacy Council and the members of the Executive Committee of the said Council and submits that if any

question arises as to the intention, construction or application of these rules or the validity of any election, the question shall be referred under Section 24 to the State Government, whose decision shall be final. It is further provided that a petition questioning, the validity of the election to the Council shall be sent to the Council within two months of the date of declaration of the result of the election and the Council shall refer such petition under Section 24 to the State Government within three months of the said date for the decision of the State Government.

3. Learned counsel appearing for the respondent nos. 6 and 7 raised the question of maintainability of the present writ application and submits that the representation made by the petitioners is still pending and the State Government has to take a decision but before taking a decision, the petitioners have filed the present writ application, thus the writ application is premature.
4. Learned advocate appearing for the Pharmacy Council submits that the petitioners have made an application to the Returning Officer on April 1, 2025 though at that point of time the Returning Office has become *functus officio* and the petitioners had to make an application to the Council and, if any, application is received by the Council, the same shall be referred to the State Government and the State Government shall take appropriate decision in accordance with law.
5. Mr. Sen, learned A.A.G. appearing for the State submits that the petitioners have made an application to the

Council and the Council will refer the said application to the State Government but in the present case the petitioners had not made any application to the Council questioning the election.

6. Learned Counsel appearing for the Pharmacy Council has handed over a notification wherein it reveals that on March 18, 2026 the West Bengal Pharmacy Council a Council has been constituted.
7. This Court finds that the petitioners have made a representation to the Returning Officer on April 1, 2025 but as per the Act the petitioners have made an application to the Council.
8. In view of the above, the petitioners are given liberty to make any objection to the election to the Council which has been constituted vide notification dated March 18, 2026 within a period of one week from date and, if any, objection with regard to the election received by the Council, the Council shall take appropriate steps in accordance with law by referring the matter to the State Government within a period of two weeks and if the Council has referred the matter to the State Government, the State Government shall take appropriate steps in accordance with law within a period of 10 weeks from the referring the matter by the Council to the State Government.
9. As this writ petition is disposed of at the stage of motion, no affidavits have been called for, the allegation made in the writ application deemed to have been denied by the respondents.

10. WPA 7096 of 2026 is disposed of.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)