



WEB COPY

WP No. 5701 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 5701 of 2025

and

WMP No. 6291 of 2025

The Indian Pharmacists Association
(Reg. No.79/2005)
24, Noor Veeraswamy Iyer Street,
Nungambakkam,
Chennai-600 034
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
Tamil Nadu Pharmacy Council
Block-E 1st Floor,
Bharathiar Complex,
100 Feet Inner Ring Road,
Vadapalani, Chennai-600 026

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, calling for the entire records connected with the impugned order of the 1st respondent in Letter No.10473/ Z1/ 2022-2, dated 21.11.2024 and quash the same and consequently direct 1st respondent to conduct the election of 6 members to the Tamil Nadu Pharmacy Council under Section 19(a) of Pharmacy Act, 1948 through Online mode after suitably amending the Tamil Nadu Pharmacy Council Rules, 1953.



For Petitioner: Mr.S.Sathia Chandran

For R1 : Mr. Bindran,
Additional Government Pleader

For R2 : Mr.R.Rengaramanujam

ORDER

The writ petition is filed for the relief herein below set out:

"calling for the entire records connected with the impugned order of the 1st respondent in Letter NO.10473/Z1/2022-2 dated 21.11.2024 and quash the same and consequently direct 1st respondent to conduct the election of 6 members to the Tamil Nadu Pharmacy Council under Section 19(a) of Pharmacy Act, 1948 through Online Mode after suitably amending the Tamil Nadu Pharmacy Council Rules, 1953".

2. It is the case of the petitioner that it is a society registered under the Tamil Nadu Societies Registration Act, 1975. Rule 7 to 12 and 14 of the Tamil Nadu Pharmacy Council Rules, 1953 provides for the mode to conduct election of 6 members under Section 19(a) of the Pharmacy Act 1948. The election in respect of these 6 members is made from amongst the registered pharmacists. Such an election had been held in the year 2016.



3. The petitioner Association would submit that they had made a detailed representation to the respondents on 09.12.2021 requesting them to make necessary amendments in Part I mode of election and in the related forms of the Tamil Nadu Pharmacy Council Rules 1953 in order to facilitate the online election of these 6 members of the Association.

4. The petitioner also made necessary applications under the RTI Act regarding the conduct of elections. The 2nd respondent in response through letter dated 03.01.2022 had replied that the Tamil Nadu Pharmacy Council at its meeting held on 29.10.2021 had held discussion with reference to the electronic mode of election of Council in future. However, no orders were passed on the representation made by the petitioner Association by the respondents. Since these representations were not considered, the petitioner had filed W.P.No.2675 of 2022 on the file of this Court seeking a direction to the 1st respondent to consider and pass orders on the petitioner's representation dated 09.12.2021 relating to the online voting. This Court had directed the respondents to consider and pass orders and by impugned order dated 24.11.2024, the request of the petitioner was turned down. Challenging this impugned order, the petitioner is before this Court.



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5. Heard the rival submissions and perused the records.

6. Admittedly, the by-laws do not provide for online submission of votes. Therefore, the impugned order in relationship to the denial of the request for online voting cannot be found fault with. Till such time, as the provisions of the requisite Rules and Act are not amended to include the online voting the petitioner's request cannot be acceded to. However, considering the fact that the next election is likely to be held in the year 2030, the respondents shall considered the petitioner's request for online voting especially in the light of the amendment brought about by the Central Government to the by-laws of the Indian Veterinary Council Rules, 1985 by bringing about the amendment to voting by introducing Sub Rule 3 to 16 and pass orders within a period of eight (8) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

08-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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P.T.ASHA J.

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To

1. The Principal Secretary To Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
2. The Registrar
Tamil Nadu Pharmacy Council Block-E
1st Floor, Bharathiar Complex,
100 Feet Inner Ring Road,
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