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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22799 of 2025
and W.M.P.No.25611 of 2025

R.Manikandan .. Petitioner

-vs-

1. The State of Tamil Nadu,
   Health & Family Welfare Department,
   Rep. by its Secretary, Fort St. George,
   Chennai 600 009.

2. The Registrar
   Tamil Nadu Pharmacy Council,
   Block E, 1 Floor, Bharathiyar Complex,
   100 Feet Inner Ring Road, Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to conduct the election to the Tamil Nadu Pharmacy Council for electing in a free and transparent manner after checking the electoral lists and unserved/returned ballot papers monitored by an independent neutral Returning Officer within a time frame as may be fixed by this Court.

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For Petitioner : Mr.H.S.Mohamed Rafi

For Respondents : Mr.E.Sundaram
Govt. Advocate for R-1
: Mr.Ranga Ramanujam
Stdg. Counsel for R-2

* * * * *

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to conduct the election to the Tamil Nadu Pharmacy Council for electing in a free and transparent manner after checking the electoral lists and unserved/returned ballot papers monitored by an independent neutral Returning Officer.

2. When the writ petition came up for hearing on 26.06.2025, this Court passed the following order:

> *" The learned Standing Counsel appearing on behalf of the 2nd respondent seeks for sometime to take instructions. On carefully hearing the learned counsel for the petitioner and perusing the records, it is seen that the petitioner is apprehending that large scale irregularities have been*

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committed and that the election that is going to be held on 30.06.2025 will be vitiated and hence, the said election has to be monitored by some senior Election Officer.

2. The learned Government Advocate appearing on behalf of the 1st respondent shall take instructions from the Health Secretary and some senior level officer can be asked to monitor the election conducted by the 2nd respondent and submit a report before this Court.

3. Post this writ petition at the end of the motion list on 27.06.2025."

3. Pursuant to the above order, the matter was listed for hearing today and the learned Government Advocate produced the written instructions received from the Principal Secretary of the Government. On going through the same, it is seen that Professor Dr.Sivaraj, Joint Director (Pharmacy) has been deputed to monitor the election conducted by the second respondent.

4. Learned counsel for the petitioner submitted that an attempt is now being made to create a bulk proxy and thereby, vitiate the entire voting process.

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5. Per contra, the learned standing counsel for the second respondent submitted that voting will be cast either in person or through ballot voting whereby it has to be sent by way of registered post. To substantiate this statement, the learned standing counsel relied upon Rule 8 of the Tamil Nadu Pharmacy Council Rules, 1953, which reads as hereunder:

> *"... An elector can send the outer envelope by registered post or deposit or cause to be deposited the envelope addressed to the returning officer in the ballot box provided for the purpose..."*

The learned standing counsel, therefore, submitted that the voters have the option to send voting papers by Registered post or deposit/cause to deposit the votes in person. Hence, the out station voters are not required to deposit in person, they may send it by Registered Post. The votes are being received by Registered post daily. He submitted that there is no irregularity in conduct of election and the election is being conducted strictly as per Rules of Tamil Nadu Pharmacy Council, 1953.

6. In the considered view of this Court, the manner in which the vote has to be cast is dealt with under a Rule and this Court expects that the Rule

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will be strictly complied with. In any event, a Joint Director has been deputed to monitor the election and hence, complaints can always be made before the Joint Director who has been deputed to monitor the election if any situation arises. The election shall be conducted in a smooth manner without giving rise to any law and order problem and it shall be completed.

This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2025

Index : Yes/No
Website : Yes/No
Speaking/Non-speaking Order

Note: Issue order copy by today itself.

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N.Anand Venkatesh, J.

(sra)

To

1. The Secretary to Govt. of Tamil Nadu,
   Health & Family Welfare Department,
   Fort St. George, Chennai 600 009.

2. The Registrar
   Tamil Nadu Pharmacy Council,
   Block E, 1 Floor, Bharathiyar Complex,
   100 Feet Inner Ring Road, Chennai.

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