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APHC010116232026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[0]

TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

I.A.No.2 of 2026

IN/AND

WRIT PETITION NO: 6163/2026

Between:

- 1.POLAVARAPU PHANIDHAR, S/O JAGANMOHAN RAO
AGED 70 YEARS, OCC. OPHTHALMOLOGIST HAVING
OFFICE AT DOOR NO, 29/14/44, PRAKASAM ROAD
NEARBY HOTEL PUSHPA, SURYARAOPETA, VIJAYAWADA,
ANDHRA PRADESH 520002
- 2.DR. VARANASI PUNDARKAKSHA,, S/O SATYANNARAYANA
AGED 77 OCC. RTD. PROFESSOR HOD OF PAEDIATRICS,
ANDHRA MEDICAL COLLEGE KGH 1-82/7/1, SK EMPIRE-
101, TRAFFIC POLICE STATION ROAD, BESIDE CRICKET
STADIUM, PM. PALEM, MADHURAWADA,
VISA KHAPATNAM - 530 041.

...PETITIONER(S)

AND

- 1.UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF
HEALTH, FAMILY WELFARE DEPARTMENT, NEW DELHI.
NATIONAL MEDICAL COUNCIL OF INDIA, REP. BY ITS

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CHAIRMAN, NEW DELHI.

2.NATIONAL MEDICAL COUNCIL OF INDIA, REP. BY ITS
CHAIRMAN, NEW DELHI.

3.THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, HEALTH, MEDICAL FAMILY
WELFARE DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPDU, AMARAVATHI, GUNTUR DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly a Writ of Mandamus declaring the election to thirteen (13) elected members of the Andhra Pradesh Medical Council (Respondent No.4) conducted pursuant to Gazette Notification dated 19.01.2026 through Respondent No.7 (APTOnline Limited), being the technical/implementation agency as illegal, arbitrary and violative of the provisions of the Andhra Pradesh Medical Practitioners Registration Act, 1968 and the Conduct of Election Rules framed thereunder, and consequently set aside the said election in its entirety, and further direct the Respondents to conduct fresh elections strictly in accordance with law and pass

Counsel for the Petitioner(S):

1.ANUP KOUSHIK KARAVADI

Counsel for the Respondent(S):

1.GP FOR MEDICAL HEALTH FW

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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This Court made the following

COMMON ORDER:

The claim of the petitioners is that in the recent completed election in respect of Respondent No.4 council, published the said elected body Gazette Notification dated 19.01.2026, for which the exercise of franchise/voting was conducted by way of online mode pursuant to the procedure / manual declared as "APMC e-Voting manual for Voter-2026". As per the procedure laid down at the said notification, the online voting was completed on 09.02.2026 and counting was completed on 10.02.2026 and the Returning Officer who was appointed by the Government also submitted list of elected candidates for declaration to Respondent No.3 by way of Gazette Notification. Accordingly, the Gazette Notification was issued.

2. Learned counsel for the petitioners submits that as per the APMC e-Voting manual for Voter-2026 which was formulated pursuant to the Election Notification dated 19.01.2026, every member

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/ voter shall exercise a vote by utilizing three OTPs. The 3rd OTP is meant for completion of voting process and after exercising the 3rd OTP, no voter will be entitled or allowed to cast votes again and login access would automatically be denied. He also asserts that in view of complaints/representations in exercising of third OTP on the day of voting which is the final OTP (3rd OTP) for confirmation a particular vote by a particular member was dispensed with for completion of the election voting process without any obstructions. The action of dispensing with 3rd OTP was taken place after commencement of the voting process by the members. He further asserts that due to dispensing with the third OTP there is a possibility / chance to re-login by the interested members and to exercise multiple votes one after other is contrary to the APMC e-Voting manual for Voter-2026. Therefore, the subject election is liable to be suspended on two grounds i.e., (1) change of rules/voting process after starting the game/voting process cannot be allowed and (2) by changing that rule and allowing possibility of multiple votes by interested members may cause unfair practices in election by interested candidates. Therefore, the petitioners are contested candidates and prays for setting aside of the entire election process and to re-conduct the elections with

more transparency and adhering to APMC e-Voting manual for Voter-2026.

3. On the other hand learned Government Pleader submits that as per the Rule-19 of Andhra Pradesh Medical Council (Conduct of Election) Rules, 1978 (for short Rules, 1978) statutory appeal was provided to challenge any irregularity or illegality said to have been occurred in conducting elections in respect of the 4th respondent herein. Therefore, the appeal lies to the Government, wherein the entire issue about the irregularities or illegalities as canvassed by the petitioners can be adjudicated and it is more appropriate forum for redressal of the grievance of the petitioner. He also submits that in view of the plea of the petitioners seeking to preserve the entire electronic record relating to e-Voting -2026 in respect of Respondent No.4 pursuant to the Gazette Notification dated 19.01.2026 should be preserved as required and same was contemplated as per the Rule-17 of Rules, 1978.

4. Heard learned counsel for the petitioners, learned Standing Counsel for Respondent No.4 and Ms. P. Saraswathi, learned Standing Counsel for Respondent No.1 and learned Government Pleader for Respondent Nos.3 to 5.

5. The fact remains that as admitted that the election for the 4th Respondent council was conducted through online mode and completed on 09.02.2026 and election results were already declared on 10.02.2026. Moreover the Returning Officer submitted the entire election results to the Government for further action. Pursuant to which the 3rd Respondent issued Gazette Notification informing the elected candidates as members of the 4th Respondent – Council.

6. It is settled principle of law that once the election was already completed and declared the contesting candidates, the voter can challenge the election on the guise of irregularities or illegalities only by way of alternative method but not by way of writ of mandamus. This Court cannot proceed further to redress the grievance of the petitioners under extraordinary jurisdiction of this Court. In view of the settled principle, this Court is inclined to dispose of the present writ petition directing the petitioners herein to avail statutory alternative remedy as contemplated under Rule 19 of Rules, 1978.

For better understanding Rule 19 is extracted hereunder:

“19(1) Before setting aside an election in appeal under section the Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.”

7. Therefore, on perusal of the Rule-19 as extracted above, the petitioners are entitled to avail statutory appeal before the 3rd

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Respondent within reasonable time if the petitioners intended to challenge the same. After such appeal the 3rd Respondent shall consider and pass appropriate orders in accordance with law as early as possible. However, this Court inclined to direct the Respondent Nos.3, 4 and 5 to comply the Rule 17 to preserve, secure and maintain, in their original form, all electronic records and digital artefacts connected with APMC e-Voting 2026 carried out pursuant to the Gazette Notification dated 19.01.2026 for a period of six months or till further orders in appeal filed by the petitioners. It is further made clear that if necessary the petitioners are at liberty to make their submissions before the Appellate Authority to meet all exigencies or emergencies as required by the petitioners.

8. With the above directions, the I.A.No.2 of 2026 in/and W.P.No.6163 of 2026 are disposed of. No costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

DT: 03.03.2026
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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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DT: 03.03.2026

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