

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5561 of 2019

and

W.M.P. Nos. 6331 and 6333 of 2019

- 1.M. Padmavathi
- 2.V.Gnaneswari
- 3.S.Vadivel
- 4.I.Arokia Sheeba
- 5.R.Ramani
- 6.S.Paul Rathna

... Petitioners

Vs.

- 1.The Tamil Nadu State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT,
Arumbakkam,
Chennai 600 106.
- 2.The District Collector,
Tiruvallur District,
Tiruvallur.
- 3.The Revenue Divisional Officer,
Tiruvallur,
Tiruvallur District.
- 4.The Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.
- 5.The Commissioner,
Tiruvallur Municipality,
Tiruvallur.
- 6.The Chief Educational Officer,
Tiruvallur District,
Tiruvallur.
- 7.The District Educational Officer,
Tiruvallur,
Tiruvallur District.

8.The Block Educational Officer,
Ekkadu at Tiruvallur,
Tiruvallur.

9.The Electoral Registration Officer,
Collectorate,
Tiruvallur,
Tiruvallur District 602 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the representation submitted by the Petitioners dated 23.01.2018 and to forbear the Respondents from allotting any election work to the Petitioners, as Booth Level Officers in conflict with Teaching Works and other academic activities.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.B.Nedunchezhiyan, (for R1)

Mr. M. Karthikeyan,
(for R2 to R4 & R9)
Additional Government Pleader

Mr. P. Srinivas, (for R5)

Mr. C. Munusamy, (for R6 & R7)
Special Government Pleader (Education)

ORDER

Heard Mr. G. Sankaran, Learned Counsel for the Petitioners, Mr. B. Nedunchezhiyan, Learned Counsel for the First and Eighth Respondents, Mr. M. Karthikeyan, Learned Additional Government Pleader for the Second to Fourth and Ninth Respondents, Mr. P. Srinivas, Learned Counsel for the Fifth Respondent and Mr. C. Munusamy, Learned Special Government Pleader (Education) for the Sixth and Seventh Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to consider the representation dated 23.01.2018 made by the Petitioners and forbear the Respondents from allotting any election work to the Petitioners as Booth Level Officers in conflict with Teaching Works and other academic activities.

3. Learned Counsel appearing for the First and Eighth Respondents has brought to the notice of this Court that the

Hon'ble Supreme Court of India in Election Commission of India -vs- St. Mary's School (Order dated 06.12.2017 in Civil Appeal No. 5659 of 2007) relating to the similar issues has held as follows:

"32. We would, however, notice that the Election Commission before us also categorically stated that as far as possible teachers would be put on electoral roll revision works on holidays, non-teaching days and non-teaching hours; whereas non-teaching staff be put on duty anytime. We, therefore, direct that all teaching staff shall be put on the duties of roll revisions and election works on holidays and non-teaching days. Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law."

It is further informed by the Learned Counsel for the First and Eighth Respondents, on instructions, that due to vital stage and career decision involved for students in respect of the High School and Higher Secondary classes, the teachers of the said schools are not deputed as Booth Level Officers. However, the Teachers of the said schools, during the conduct of elections, are engaged with other election related work and the staff deputed are paid remuneration for the same.

4. In view of the aforesaid decision of the Hon'ble Supreme Court of India and the aforesaid submission of the Learned Counsel for the First and Eighth Respondents, the Respondents shall act in accordance with the directions contained therein and the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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- 9.The Electoral Registration Officer,
Collectorate,
Tiruvallur,
Tiruvallur District 602 001.

+1 cc to M/s.G.Sankaran,Advocate Sr.No. 80002
+1 cc to M/s.B.Nedunchezhiyan, Advocate Sr.No. 79859
+1 cc to Mr.P.Srinivas, Advocate Sr.No.80002
+1 cc to The Government Pleader Sr.No.80209

AKM/01.10.19/4P-14C /

WP.No.5561 of 2019