

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.06.2019

CORAM

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

W.P. No. 25258 of 2018

and

W.M.P. No. 29366 of 2018

1.C.Sivabakkiyam

2.M.Muthumeena

... Petitioners

-vs-

1. The Tamil Nadu State Election Commissioner,
No.208/2, Jawarharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai - 600 106.

2. The Revenue Divisional Officer,
Tiruvallur District, Tiruvallur.

3. The District Collector,
Tiruvallur District, Tiruvallur.

4. The Tahsildar,
Tiruvallur District, Tiruvallur.

5. The Commissioner,
Tiruvallur Municipality,
Tiruvallur.

... 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. R.Venkatesh for R1 to R4

Government Advocate

Mr. P.Srinivas for R5

O R D E R

The Writ Petition has been filed for 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.

2. The Respondents have filed Counter Affidavit dated 18.01.2019, in which the following passage from the decision of the Hon'ble Supreme Court of India in Election Commission of India -vs- St. Mary's School (Order dated 06.12.2007 in Civil Appeal No. 5659 of 2007), has been extracted:-

"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 has been further stated in that Counter Affidavit as follows:-

"8. I submit that, due to vital stage and career decision to be assigned for the students in respect of the High and Higher Secondary Schools, the teachers of these schools are not deputed as Booth Level Officers. But during the conduct of elections, the teachers in the High and Higher Secondary Schools are also engaged with election related works. For all the staff deputed for election related works including Booth Level Officers are paid with remuneration."

3. In view of the aforesaid decision of the Hon'ble Supreme Court of India and the aforesaid statement made in the Counter-Affidavit of the Respondents, it is recorded that the Respondent shall act in accordance with the directions contained therein and the Writ Petition is disposed accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vjt/sni/arb

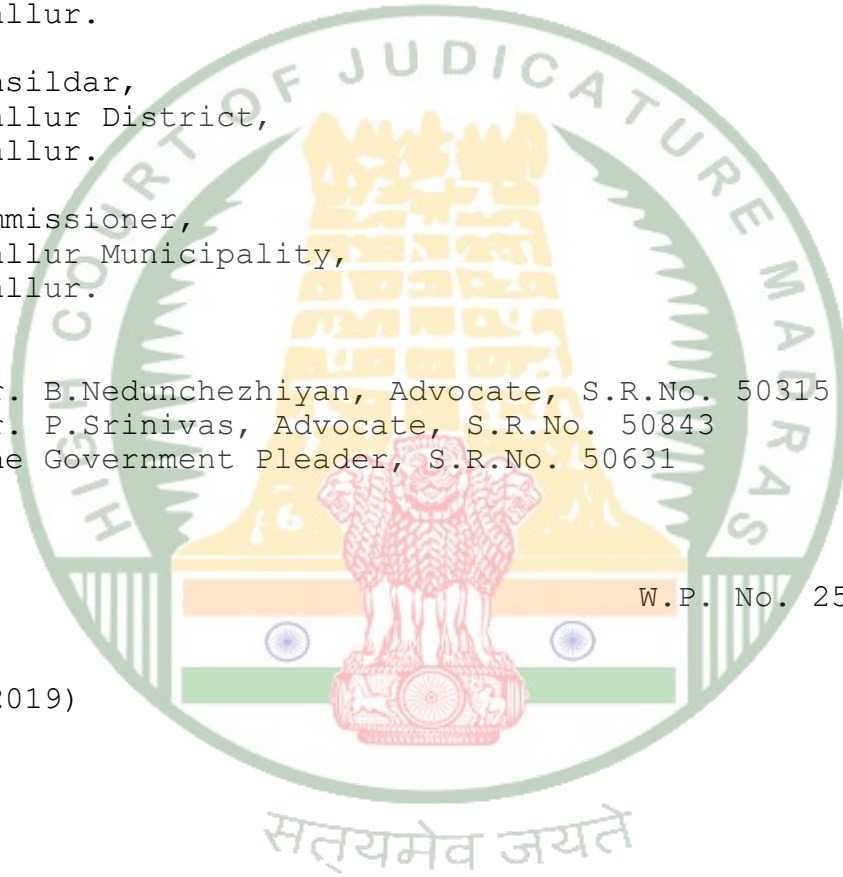
To

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

+1cc to Mr. B.Nedunchezhiyan, Advocate, S.R.No. 50315
+1cc to Mr. P.Srinivas, Advocate, S.R.No. 50843
+1cc to the Government Pleader, S.R.No. 50631

W.P. No. 25258 of 2018

GP(CO)
GN(29/07/2019)



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