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A.No.201 of 2023

A.No.201 of 2023 & 426 of 2021
in
C.S.No.364 of 2020

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed for a direction to the third respondent to recognise and accept Dr.Susan Thomas as the 7th elected member of the Governing Board for the term of 2020-2023, as per the election results declared by this Court in O.A.No.686 of 2020 in C.S.No.364 of 2020.

2. At the last hearing, learned senior counsel for the applicant produced the election results. The said results were in the form of a table specifying the number of votes received by the candidates. As regards the persons listed under Sl.Nos.7 to 9 thereof, there was a tie inasmuch as all of them received 73 votes. The persons listed at Sl.Nos.8 and 9, namely, Mr.Joseph Abraham Kandathil and Mr.Arun Kurian Joseph, had sent e-mails to the Madras Medical Mission communicating their intention to withdraw their candidature. Learned counsel for the Madras Medical Mission stated that those e-mails cannot be acted upon. Therefore, the applicant was directed to procure the filing of affidavits by Mr.Joseph Abraham Kandathil and Mr.Arun Kurian Joseph.



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3. At the hearing today, affidavits affirmed by the above mentioned individuals on 14.02.2023 were placed on record. The deponents of these affidavits were present in person Both the affidavits are in identical terms. Paragraph 4 of thereof is as under:

“4. In these circumstances, in the larger interest of the Society, to prevent delay in declaration of the results and since the term of the elected members is due to end in September, 2023, I hereby withdraw by candidature from the elections conducted for the vacancies that arose in the Governing Board of the 1st Respondent Society for the term 2020-2023 conducted as per the directions issued by this Hon'ble Court.”

4. Learned counsel for the Madras Medical Mission submits that ordinarily re-election should be conducted in case of such tie. However, in view of the fact that the term of these office bearers is due to expire shortly, he is agreeable to the acceptance of the election of Dr.Susan Thomas as the 7th elected member on condition that the same should not be relied upon as precedent.



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5. In the above facts and circumstances, this application is allowed by directing the third respondent to recognise and accept Dr.Susan Thomas as the 7th elected member of the Governing Board for the term 2020-2023. This order shall not be relied upon as precedent. As a corollary, the Madras Medical Mission is directed to declare the results.

15.02.2023

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