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Application Nos.1136 and 1137 of 2024 in
C.S.Nos.153 and 154 of 2022

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N.SATHISH KUMAR J.,

Application No.1136 of 2024 has been filed to issue a suitable direction regarding the term of the Governing Board Members of the 1st respondent / defendant society, who were elected for the term 2020-2023 but whose elections were declared by this Court by orders dated 10.08.2022 in O.A.No.686 of 2020 and 15.02.2023 in A.No.201 of 2023 will (i) Expire with the expiry of the term in 2023 or (ii) whether their term will start only from the date of declaration of the election results.

2. Application No.1137 of 2024 has been filed to issue a suitable direction regarding the term of the Governing Board Members of the 1st respondent / defendant society who were elected for the term 2020-2023 but whose elections were declared by this Court by orders dated 10.08.2022 in O.A.No.686 of 2020 and 15.02.2023 in A.No.201 of 2023 will (i) expire with the expiry of the term in 2023 or (ii) whether their term will start only from the date of declaration of the election results.



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3. On an earlier occasion, this Court, passed an order dated 02.12.2022 in O.A.Nos.450 and 467 of 2022 in A.Nos.3175, 3176 and 3348 of 2022 in C.S.No.153 of 2022 and O.A.Nos.451 and 468 of 2022 and A.Nos.3177 and 3349 of 2022 in C.S.No.154 of 2022 686 of 2020 in C.S.No.364 of 2020 by appointing Hon'ble Justice Mr.V.Bharathidasan, Retired Judge of this Court, as a Judge Commissioner to conduct elections for the Governing Body for the terms 2021-2024 and 2022-2025.

4. Pursuant to the orders of this Court, the Judge Commissioner appointed by this Court took up the issue, as some doubts raised by some of the members, about the duration of the tenure for the elections, which was conducted in June, 2021, the Judge Commissioner, requested the counsels on both sides to get the suitable direction from this Court, regarding numbers of post for which, election to be conducted.

5. Heard Mr.Vijay Narayan, learned Senior counsel for Mr.Hari Radhakrishnan, learned counsel for the applicants and Mr.Clint Li Johny,



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learned counsel for the 1st respondent, Mr.Thomas T.Jacob, learned counsel for the 2nd respondent for both the applications and Mr.Ferdinal, learned counsel appearing for the 3rd respondent in A.No.1136 of 2024 and perused the documents placed on record.

6.In unison the learned counsel on either side submitted that the learned Single Judge by an order dated 02.12.2022 directed the conduct of election for the Governing Body for the period 2021-2024 and 2022-2025 only for two years, hence their contention is that as per By-law 51, election is to be conducted for every Governing 7 members for 2021-2024 and 2022-2025. It is also their contention that merely because the elections for the year 2020-2023 was conducted with some delay that will not extend the tenure of the office bearers beyond the period 2023. At the most, they are entitled to continue till the election is conducted or office bearers are elected.

7. It is also brought to the notice of this Court that minimum members required to take any decision is 7, i.e., quorum. Now, one of the member is not co-operating with the other six members, hence, it is



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their contention that to take any decision touching upon the financial and administration action, the quorum is not available, which will have serious impact in running medical college and hospital. At this stage, it is also brought to the notice of this Court that one of the member, is not joining with other members on the ground that the said member's brother was already expelled in a Annual General Body meeting and only for that, that one member is not co-operating with other members.

8. Be that as it may, whatever may be the reason, as the 7 member quorum is required to take a decision and one of the member is not co-operating to take any decision for his personal interest, particularly, in view of his brother has been expelled in the Annual General body Meeting, this Court deems it fit and necessary to pass the following orders:-

(i) Running of the Medical College, Hospital and Society shall not be affected and routine affairs shall be continued without any hindrance. All the accounts shall be maintained till the next election is conducted.

(ii) Since the medical colleges and hospitals are involved, till the next election is announced by the combined elected members, the



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members (7), who were already elected for the year 2021 shall continue till the next new 14 members are elected and assumes charge.

(iii) Further, after 14 members are elected in terms of the order passed by this Court on 02.12.2022 in O.A.Nos.450 and 467 of 2020 in C.S.No. 364 of 2020 for the year 2021-2024 and 2022-2025 and after their assuming charge, the said members shall decide the election for 2023-2026. Thereafter, the 7 elected members for the year 2021 shall step down.

Accordingly, these applications are ordered.

05.03.2024

Index: Yes/No
Internet: Yes/No
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