



WEB COPY

WP No. 6091 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 6091 of 2025

and

WMP NO. 6685 OF 2025

CA.Sundararajan.R
S/o.L.S.Ramasamy
101, Natha Kamalam,
1A, Perialwar Street
East Tambaram,
Chennai-600 059.

..Petitioner(s)

Vs

1. The Secretary
Institute of Chartered Accountants of India
ICAI Bhawan, Indraprastha Marg,
Post Box No.7100, New Delhi-110 002.
2. Deputy Secretary (Disciplinary Directorate),
ICAI Bhawan, 52-53-54 Institutional Area,
Vishwas Nagar, Shahdara,
Near Karkardooma Court, Delhi-110 032.
3. The Returning Officer
Institute of Chartered Accountants of India,
ICAI Bhawan, Indraprastha Marg,
Post Box No.7100, New Delhi-110 002.
4. Revathi Raghunathan
Flat No.2, A Wing, 7th Floor, Parsn Manere,
442 Anna Salai, Chennai-600 006.

..Respondent(s)



PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent / Disciplinary Committee, SIRC to conclude the disciplinary proceedings against the 4th respondent in pending complaint Item 4 : PR-300/21-DD/323/2021/DC/1922/2024) dt.18.12.2024 within the time frame to be fixed by this Court.

For Petitioner(s): Ms.P.Varshini

For Respondent(s): Mr.S.Diwakar for R1 to R3
Mr.Ravi Kannan for R4

ORDER

A person totally unconnected to the disciplinary proceeding initiated by the 4th respondent and who is no way connected to it nor aggrieved by the aforesaid proceedings, has invoked the extraordinary jurisdiction of this Court, seeking a mandamus to the first respondent / Disciplinary Committee, SIRC, to conclude the disciplinary proceedings initiated against the 4th respondent, in a pending complaint dated 18.12.2024, within a time frame.

2. The facts that have been set out by the petitioner in the affidavit filed in support of the writ petition are as follows :

(a) The petitioner is a qualified Chartered Accountant registered with the



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Institute of Chartered Accountants of India (in short 'ICAI'). The Regional Council of ICAI and its affairs are conducted by the elected body called the Southern India Regional Council of the ICAI (hereinafter referred to as 'SIRC of ICAI'). 14 members are elected to the said Council. Amongst them, the Office bearers of the Management Committee are (i) Chairman; (ii) Vice Chairman; (iii) Secretary and (iv) Treasurer.

- (b) The SIRC election for the term 2024 to 2028 was conducted in December 2024. He would submit that the votes polled by the candidates are transferable according to the preference made by the voters.
- (c) The petitioner had contested in the SIRC election for the Regional Council Member. Likewise, the 4th respondent herein had also contested for the said post of Member. The petitioner had secured 929 first preference votes in the 1st round but was eliminated in the penultimate round based on listing of the transferable votes at that time. Based on his elimination, his preferential votes (437 votes) were transferred to the 4th respondent, adding to her 922 first preference votes and she has been declared as a Member of SIRC.
- (d) The petitioner would submit that in the final stage of counting with 16 candidates left in the fray, the petitioner was in 16th position with 1478 votes and the 4th respondent was in 15th position with 1607 votes. Subsequent to his elimination, the petitioner's votes were transferred to



the remaining candidates and as a result, the 4th respondent assumed 12th position and has got selected.

(e) Thereafter, during the verification of the elected candidates, the petitioner came to learn that the 4th respondent is facing disciplinary proceedings currently pending before the Disciplinary Committee of SIRC (Bench III) in Item No.4 [PR-300/21-DD/323/2021/DC/1922/2024] and the date of hearing was dated 18.12.2024.

(f) The petitioner is aggrieved by the fact that the pendency of the disciplinary proceedings ought to have been verified before scrutinising the nomination filed by the 4th respondent for contesting in the election. Such exercise has not been undertaken by the first respondent. In the event of the Disciplinary Committee finding her guilty, the 4th respondent cease to be a Member of the SIRC.

(g) The petitioner had sent a Memorandum dated 17.01.2025 to the Disciplinary Committee, SIRC, stating that in the event the 4th respondent is found guilty, she should demit her post and in her place, the petitioner can be accommodated. However, there was no follow up to the said petition submitted by the petitioner.

Hence, the petitioner is before this Court seeking a mandamus to conclude the disciplinary proceedings dated 18.12.2024.



3. Heard the learned counsel on either side and also perused the materials placed before this Court.

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4.1 The disciplinary proceedings has been initiated against the 4th respondent on the basis of the complaint said to have been given by one Rajesh Kumar Dash and it is not the petitioner who has given the complaint. The person who has given the complaint has not moved this petition seeking an early disposal of the disciplinary proceedings. This petition is nothing but a sheer abuse of law.

4.2 The writ petitions are filed invoking the extraordinary jurisdiction conferred on this Court under Article 226 of the Constitution of India. The Rules have been framed to enforce the fundamental rights or other rights conferred under the Constitution of India to ordinary citizens. This extraordinary remedy has now been invoked to settle the private scores. The petitioner seeks a direction to the Disciplinary Committee, SIRC, the first respondent to conclude its proceedings initiated against the 4th respondent, as any order that may be passed against the 4th respondent would be to the advantage of the petitioner.

5. Considering the fact that the petitioner is no way connected to the said



proceedings, the invocation of writ jurisdiction before this Court is *per se* arbitrary and not maintainable. The petitioner is neither an aggrieved party nor the complainant. Therefore, the instant writ petition cannot be sustained and accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DS

To:

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