

**(2010) 10 MAD CK 0195**

**In the Madras High Court**

**Case No :** Writ Petition No. 23228 of 2010 and M.P. No. 1 of 2010

All Media Journalists Association

APPELLANT

Vs

The Chief Election Commissioner, Election Commission of  
India and The Chief Electoral Officer, The Election  
Commission, The State Government of Tamil Nadu

RESPONDENT

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**Date of Decision :** 21-10-2010

**Acts Referred:**

Registration of Electors Rules, 1960 — Rule 10, 31

**Citation :** (2010) 10 MAD CK 0195

**Hon'ble Judges :** M.Y. Eqbal, C.J.; T.S. Sivagnanam, J

**Bench :** Division Bench

**Advocate :** M.K.S. Sundar, for Yes We Associates, for the Appellant; G.  
Rajagopal for G.R. Associates, for the Respondent

**Final Decision :** Dismissed

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**Judgement**

M.Y. Eqbal, C.J. and T.S. Sivagnanam, J.—In this petition, by way of public interest litigation, the petitioner namely, All Media Journalists

Association represented by its President seeks a direction upon the respondents namely, the Chief Election Commissioner, Election Commission of

India and the Chief Electoral Officer, State of Tamil Nadu to initiate proper system of enrolling in the election process as notified by the

advertisement published in Indian Express Daily dated 01.10.2010 by the second respondent in respect of Member of Legislative Council

Election, particularly for the Graduate Constituencies in the State of Tamil Nadu.

2. The contention of the petitioner is that instead of proper preparation for conducting election such as enrolling of the eligible voters, the

respondents are adopting a short cut route of calling the eligible graduate voters to come forward on their own and to register themselves as

graduate voters in each Graduate Constituencies. According to the petitioner, for the purpose of ensuring preparation of proper and valid voters"

list and ensuring fair and transparent election process, the procedure provided for conducting elections to M.L.As and M.Ps should be adopted. In

a nutshell the petitioner is not satisfied with the process adopted by the respondents as contemplated in the notice published in the newspaper

namely, The Indian Express daily.

3. Rule 31 of the Registration of Electors Rules, 1960 provides the procedure for preparation of electoral rolls for the purpose of graduates" and

teachers" constituencies. The said rule reads as under:

31. Rolls for graduates" and teachers" constituencies

(1) The roll for every graduates" or teachers" constituency shall be prepared in such form, manner and language, or languages as the Election

Commission may direct.

(2) The roll shall be divided into convenient parts which shall be numbered consecutively.

(3) For the purpose of preparing the roll the registration officers shall, on or before the 1st October, issue a public notice calling upon every person

entitled to be registered in that roll to send to, or deliver at his office before the 7th day of November next following an application in Form 18 or

Form 19, as the case may, be, for inclusion of his name:

(Provided that for the purpose of preparing the roll for the first time for the Legislative Council of the State of Madhya Pradesh, the references to

the 1st October and the 7th day of November shall be construed as references to the 31st December, 1966 and the 7th day of February, 1967,

respectively.)

(4) The said notice shall be published in two newspapers having circulation in the constituency and republished in them once on or about the 15th

October and again on or about the 25th October:

(Provided that in relation to the preparation of the roll for the first time for the Legislative Council of the State of Madhya Pradesh, the references

to the 15th October and the 25th October shall be construed as references to the 15th January and 25th January, 1967, respectively.)

((4A) The provisions of Sub-rule (3) and Sub-rule (4) shall apply in relation to

revision of the roll for every graduates" or teachers" constituency

under Sub-section (2)(a)(ii) of Section 21 of the Act as they apply in relation to the preparation of such roll subject to the modification that

references to the 1st October and the 7th day of November in Sub-rule (3) and references to the 15th October and 25 October in Sub-rule (4)

shall be construed respectively as references to such dates, as may be specified by the Election Commission in relation to each such revision.)

(5) The provisions of rules 10 to 27 except Clause (c) of Sub-rule (1) and Clause (c) of Sub-rule (2) of Rule 13 shall apply in relation to

graduates" and teachers" constituencies as they apply in relation to assembly constituencies:

Provided that a claim or an application for the inclusion of a name shall be made in Form 18 or Form 19 as may be appropriate.

4. It has not been disputed by the petitioner that the respondents are adopting the procedure other than the one prescribed in the aforesaid rules,

and fixing the date for submission of application and registration as graduate voters. In that view of the matter, this Court cannot substitute a

different mode of preparation of electoral rolls of the graduate voters for election of members of Legislative Council for the Graduate

Constituencies. The petitioner is at liberty to move the appropriate authority for the change of mode and for any other method of preparation of

electoral rolls.

5. For the reasons aforesaid, no relief can be granted in this petition, which is accordingly dismissed. No costs. Consequently, miscellaneous

petition is closed.