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W.P.No.16158 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

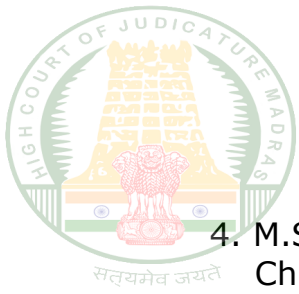
WP No.16158 of 2026
and WMP Nos.17387 and 17389 of 2026

K.Veerasamy
S/o. Kandasamy,
No.85/31, 5th Street, L.N. Puram,
Aranthangi Post and Taluk,
Pudukkottai District - 614616.

Petitioner(s)

Vs

1. The Election Commission of India
Rep by its Secretary, Nirvachan Sadan,
Ashoka Road, New Delhi - 110 001.
2. The Chief Electoral Officer
Tamil Nadu State, Secretariat,
Chennai - 600 009.
3. The State of Tamil Nadu,
Rep. by its Chief Secretary,
Public (Special-A) Department,
Secretariat, Fort St. George,
Chennai - 600 009.



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4. M.Sai Kumar, IAS
Chief Secretary to Government,
State of Tamil Nadu, Secretariat,
Chennai - 600 009.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for record relating to impugned order dated 08.04.2026 in No.434/1/TN-LA/SS-I-CS, issued by the 1st Respondent and quash the same and consequently direct the 1st Respondent to consider and dispose of the petitioner's representations dated 09.04.2026 and 13.04.2026 with a time frame fixed by this court.

For Petitioner(s): Mr. Ravi Prakash Mehrotra
Senior Advocate
(Thru Video Conferencing)
for Mr.R.Sreerangan

For Respondent(s): Mr. Niranjan Rajagopalan
Standing Counsel
for R1 and R2

Mrs. E.Ranganayaki
Additional Government Pleader
for R3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has filed this writ petition, styled as public interest litigation, seeking issuance of a writ of certiorarified mandamus calling for records relating to impugned order dated 08.04.2026 in No.434/1/TN-LA/SS-I-CS, issued by the first

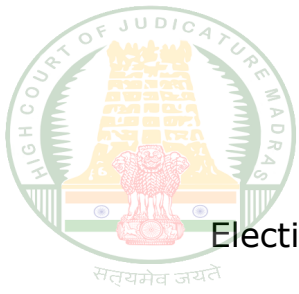


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respondent and quash the same and, consequently, direct the first respondent to consider and dispose of the petitioner's representations dated 09.04.2026 and 13.04.2026 with a stipulated time.

2. By proceedings dated 8.4.2026 of the first respondent, which is impugned in the writ petition, the fourth respondent has been posted as the Chief Secretary, Government of Tamil Nadu. Alleging that the said appointment during the ongoing election process gives rise to a reasonable apprehension of lack of neutrality, the petitioner sent representations to the respondent authorities. The present writ petition is filed because the respondent authorities have turned a blind eye to the petitioner's plight, leaving no choice but to knock the doors of this court.

3. Learned Senior Counsel appearing on behalf of the petitioner submitted that the transfers during the currency of the Model Code of Conduct are in clear contravention of the spirit of the Code and the fundamental and statutory provisions governing electoral neutrality. He added that the power conferred on the



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Election Commission of India under Article 324 of the Constitution of India should be exercised fairly, transparently and in a non-arbitrary manner.

4. A bare perusal of the prayer made in the writ petition makes it crystal clear that the petitioner, by way of this public interest litigation, is challenging an order passed by the first respondent by which the fourth respondent was appointed as Chief Secretary.

5. Barring a vague allegation that the fourth respondent's appointment casts a dark shadow over the neutrality of the electoral process, the petitioner has failed to produce any supporting material, offering only the smoke of suspicion without a single spark of evidence to justify such a pleading.

6. It is well settled that a party must not only plead his case through clear pleadings, but also produce/adduce sufficient evidence to substantiate the averments made in the petition and in



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case the pleadings are not complete, the court is under no obligation to entertain the pleas.

6. In the case on hand, the Election Commission of India has taken an administrative decision to post the fourth respondent as the Chief Secretary. It is trite that scope of judicial review on administrative decisions is limited. If administrative order is found to be passed without authority or shown to be palpably illegal, interference can be made. It is not the case of the petitioner that the Election Commission of India lacks the authority to pass such an administrative order.

7. That apart, transfer is an incident of service. If transfer order runs contrary to any statutory provision, the aggrieved officer can assail it in appropriate proceedings. It is well settled that no public interest litigation is maintainable in service matters. This issue is covered by the judgment of the Apex Court in *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra*¹, wherein the Apex Court

1 (2013) 4 SCC 465



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has held that such a course of action is not permissible so far as service matters are concerned.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. WMP No.17387 of 2026 seeking to dispense with production of original copy of the impugned order dated 8.4.2026 is allowed. The other interim application stands dismissed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
22.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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(sasi)

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