

W.P.No.13425 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.13425 of 2026
and WMP No.14679 of 2026

Arjunan Sampath
No.161-1, Palayan Thottam,
Housing Unit, Veeraganesh Nagar,
Kempatti Colony,
Coimbatore - 641 001.

Petitioner(s)

Vs

The Chief Electoral Officer
and Principal Secretary to Government,
Public (Elections) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to consider the representations dated 30.03.2026 and 1.04.2026 and pass appropriate orders to scrutinize the nomination papers filed by candidates contesting from the Scheduled Caste reserved

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constituencies in the State of Tamil Nadu by taking into account Clause (3) of the Constitution (Scheduled Castes) Order, 1950 and the law declared by the Supreme Court in *Chinthada Anand vs. State of Andhra Pradesh* vide Criminal Appeal No.1580 of 2026, dated 24.03.2026.

For Petitioner(s): Mr.S.Karthikei Balan

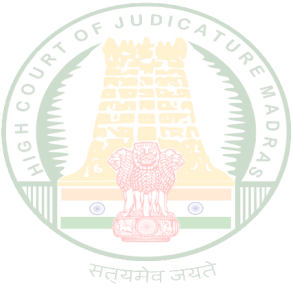
For Respondent(s): Mr.Niranjan Rajagopalan
Standing Counsel

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to consider the representations dated 30.03.2026 and 01.04.2026 and pass appropriate orders to scrutinize the nomination papers filed by candidates contesting from the Scheduled Caste reserved constituencies in the State of Tamil Nadu by taking into account Clause (3) of the Constitution (Scheduled Castes) Order, 1950 and the law declared by the Supreme Court in *Chinthada Anand vs. State of Andhra Pradesh*¹.

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2. The petitioner claims to be public-spirited and raises concerns regarding the potential infiltration of non-Scheduled Caste candidates into reserved electoral constituencies by way of fraudulent declarations. The petitioner contends that the existing mechanisms employed by the election machinery are inadequate to filter out candidates who have converted to other religions such as Christianity or Islam, but continue to fraudulently retain and utilize their erstwhile SC certificates to contest from seats exclusively reserved for Scheduled Castes.

3.1. Learned counsel for the petitioner contends that the unique constitutional protections, reservations, and benefits carved out specifically for the socio-economically marginalized Scheduled Caste communities under the Constitution of India are being systematically eroded and hijacked by ineligible individuals.

3.2. It is further contended that individuals who have voluntarily converted to other religions, specifically those not recognized under Clause 3 of the Constitution (Scheduled Castes)



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Order, 1950, such as Christianity or Islam, continue to actively hold and utilize their erstwhile Scheduled Caste community certificates.

The petitioner argues that allowing such individuals to contest from seats exclusively reserved for Scheduled Castes amounts to a deliberate "fraud on the Constitution."

3.3. It is argued that the existing verification mechanisms and the scrutiny performed by the Returning Officers (ROs) under the current rules are superficial and inadequate to detect cases of latent religious conversion. It is contended that the administrative machinery merely looks at the face of the community certificate without conducting a deeper, substantive inquiry into the actual religious profession of the candidate at the time of filing the nomination.

3.4. It is submitted that the continuous infiltration of converted individuals into reserved constituencies directly infringes upon and dilutes the political and democratic rights of genuine, practicing Scheduled Caste citizens who have remained within the fold of the religions specified by the Constitution (Scheduled Castes)

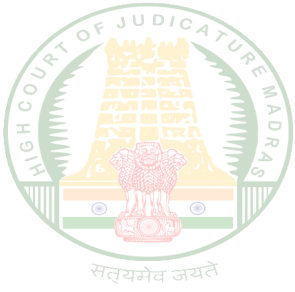


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Order, 1950. He contends that this creates an unfair electoral playing field, thereby defeating the very purpose of legislative reservation.

3.5. Learned counsel further submits that the respondent must be directed to lay down specific regulatory guidelines to rigorously vet the religious and caste identity of every candidate in a reserved constituency before their nomination is accepted, rather than relegating the issue to post-election litigation.

4.1. Learned Standing Counsel appearing for the respondent countered the maintainability of the writ petition by contending that the electoral process cannot be halted, modified, or interfered with mid-stream under Article 226 of the Constitution of India. The proper and exclusive legal remedy for challenging any irregularity, fraud, or qualification issue arising during an election is by way of an election petition as provided under Section 100 of the Representation of the People Act, 1951, post-declaration of results. No writ petition can lie at the intermediary stage.



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WEB COPY 4.2. It is further submitted that the issue as to who is entitled to contest in a reserved constituency is entirely occupied by the provisions of the Constitution (Scheduled Castes) Order, 1950, and well-settled judicial precedents interpreting the same. The Supreme Court of India in its recent ruling in *Chinthada Anand* (supra) has comprehensively reiterated the earlier position of law and, therefore, there is no requirement for any fresh directions or judicial intervention.

4.3. It is also contended that the Election Commission of India (ECI) has already put in place highly stringent guidelines through its instructions dated 2.7.2008. Paragraph 3 of the said instructions explicitly commands that the Returning Officers, at the time of scrutiny of nomination papers, must thoroughly satisfy themselves that candidates contesting from reserved constituencies genuinely belong to the SC or ST community, as the case may be, and must strictly insist upon verifying valid, unimpeachable caste certificates.



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5. This court has carefully evaluated the pleadings, considered the arguments of both sides, and scrutinized the legal framework governing electoral jurisprudence and constitutional reservations.

Two pivotal issues emerge for our consideration:

(i) Whether a writ petition under Article 226 is maintainable to interfere with or dictate terms to the election machinery when an election process is contemplated or underway?

(ii) Whether there is any legal vacuum concerning the verification of SC/ST status of candidates that necessitates this court to issue fresh directions?

Issue (i)

6. The primary hurdle blocking the path of the petitioner is the unequivocal bar contained in Article 329(b) of the Constitution of India. Article 329(b) reads thus:

"No election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election



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petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

7. Section 100 of the Representation of the People Act, 1951 delineates the grounds for declaring an election to be void, which expressly includes in Clause (a) to Section 100(1) that on the date of his election, a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or the Representation of the People Act.

8. The Supreme Court time and again held that the High Courts cannot utilize their extraordinary jurisdiction under Article 226 to interrupt, stall, or micromanage this process. Any grievance concerning the disqualification or false declaration of a candidate must wait until the conclusion of the election and must be ventilated solely through an Election Petition. Consequently, the present writ petition is completely misdirected and legally unmaintainable at this juncture.



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Issue (ii):

WEB COPY 9. On the substantive merits, the petitioner apprehends that individuals who do not profess Hinduism, Sikhism, or Buddhism will escape scrutiny and contest from reserved seats. This apprehension is entirely misplaced. Clause 3 of the Constitution (Scheduled Castes) Order, 1950, states in unambiguous terms:

"Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hinduism, the Sikhism or the Buddhism religion shall be deemed to be a member of a Scheduled Caste."

10. Furthermore, the administrative framework built to execute this law is robust. The Election Commission's long-standing instructions dated 2.7.2008 comprehensively occupy the field. Paragraph 3 of the said instructions mandates that the Returning Officers at the time of scrutiny of nomination papers should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be, and the



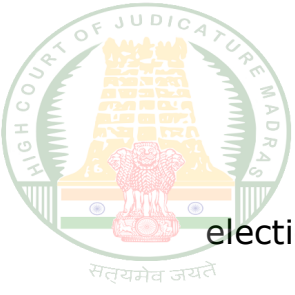
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Returning Officer must insist on production of valid certificate issued by competent authority.

12. The Returning Officers possess summary powers under Section 36(2) of the Representation of the People Act, 1951, to examine nomination papers and reject any nomination, where it is clear that the candidate is not qualified or is disqualified from filling the seat. The legal machinery is fully armed with the necessary powers to reject nominations backed by fraudulent certificates or false declarations at the stage of scrutiny itself. If a fraudulent candidate slips past this stage, the aggrieved party has an unhindered statutory remedy of filing an election petition.

13. In the case at hand, the petitioner has failed to provide any evidence of a candidate contesting the recent elections using a fraudulent certificate, or of the Returning Officer overlooking the same.

14. In view of the clear bar under Article 329(b) of the Constitution of India, the statutory alternative remedy of filing an



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election petition as provided under Section 100 of the Representation of the People Act, 1951, and the existing detailed guidelines issued by the Election Commission of India on 2.7.2008, there is neither any legal vacuum nor any ground for this court to issue any directions.

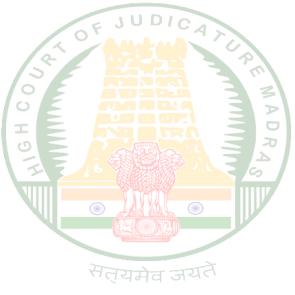
The writ petition is, therefore, devoid of merits and is accordingly dismissed. No costs. Connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
17.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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