

Thiru K. N. Rajgopal

Vs

Thiru M. Karunanidhi and Others

Civil Appeal No. 186 of 1971

(S.M.Sikri, CJI, G.K.Mitter, K.S.Hegde, A.N.Grover, P.Jagmohan Reddy JJ)

17.03.1971

JUDGMENT

SIKRI, C.J. -

1. We have just delivered judgment in U.N.R.Rao Vs. Smt.Indira Gandhi (1971 (2) SCC 0063). A similar question arises in this appeal, but with respect to the Chief Minister and the Ministers of the State of Tamil Nadu. The relevant articles are worded similarly. The only difference is that the Governor is not elected but he is appointed by the President under Article 155 of the Constitution and Article 356 of the Constitution makes provisions in case of failure of constitutional machinery in the State. But when an assembly is dissolved there is no failure of the constitutional machinery within Article 356. Article 164(2), which provides that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State has to be read in the same manner as we have read Article 75(3). Following our reasoning in that appeal this appeal must fail. In the result the appeal is dismissed but with no order as to costs.

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