



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P (MD) No.21677 of 2017

and

W.M.P (MD) Nos.17974 & 18854 of 2017

India Evangelical Lutheran Church,
Represented by its General Secretary,
S.Muthuraj,
No.321, Lutheran Mission Compound,
K.P.Road,
Nagercoil-629 001.
Kanyakumari District.

... Petitioner

Vs

1. The District Elementary Educational Officer,
Tirunelveli.
2. V.A.Raj
3. Rev.Y.Suviseshamuthu,
Lutheran Church,
Valliyoar Village & Post,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 28.08.2017 in proceeding No.Na.Ka.No.651/A2/2017 with reference to the appointment of the third respondent as the Correspondent of the petitioner schools being appointed by the second respondent and quash the same and further direct the first respondent to appoint the correspondent based on the appointment made by the petitioner.

For Petitioner : Mr.T.Pon Ramkumar

For R1 : Mr.M.Muthu,
Additional Government Pleader

For R2 & R3 : Mr.B.Saravanan

**ORDER**

The relief sought for in this writ petition is to call for the records in relation to the order of grant of approval on appointment of the third respondent as Correspondent vide proceedings, dated 28.08.2017 and to quash the same.

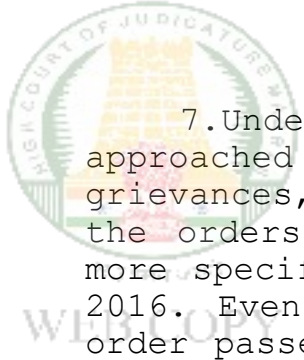
2.The learned counsel appearing on behalf of the writ petitioner vehemently contended that the third respondent is an alien to the petitioner administration. The petitioner is the Society registered under the Societies Registration Act and administering number of Schools. This being the factum, the third respondent was illegally appointed as Correspondent under a self-styled manner by creating a Trust. Thus, the recognition and approval granted by the Educational Authorities vide proceedings, dated 28.08.2017 to be declared as null and void.

3.The learned counsel for the petitioner further states that the order of the High Court passed in C.M.P(MD)No.12413 of 2016 in C.R.P.(MD)No.2462 of 2016, dated 23.12.2016 has been wrongly interpreted by the Educational Authorities. This apart, the tenure of the third respondent also has been lapsed. In all respects, the order of the District Elementary Educational Officer is to be set aside.

4.The learned counsel appearing on behalf of the respondents 2 & 3 opposed the contentions by stating that the third respondent was properly appointed as Correspondent and further, the term has not expired. This apart, the appointment of the third respondent as Correspondent of the Educational Institution was duly approved by the Competent Educational Authority vide proceedings, dated 28.08.2017. Thus, the very claim of the writ petitioner is not supported with any other documents.

5.The learned Additional Government Pleader appearing on behalf of the first respondent states that there are lot of litigations pending in respect of the Management disputes and this apart, the Educational Authorities have issued the order, dated 28.08.2017 based on the orders passed by this Court in C.R.P(MD)No.2462 of 2016. In order to comply with the order of High Court, the first respondent has granted approval in favour of the third respondent. In respect of other claim of the writ petitioner, it is for the petitioner to resolve the dispute before the competent Court of Law and already various civil suits are pending before the Various Courts.

6.The learned counsel for the petitioner states that already O.S.No.2784 of 2015, O.S.No.3659 of 2014, O.S.No.153 of 2016 and C.S.No.373 of 2017 (Original side of the Principal Seat of Madras High Court) are pending in respect of the management disputes. All the suits are yet to be disposed of.



7. Under these circumstances, when the parties had already approached the Competent Civil Court for redressal of their grievances, this Court cannot interfere or interpret in respect of the orders passed by the District Elementary Educational Officer, more specifically, based on the order passed in C.R.P(MD)No.2462 of 2016. Even, if the writ petitioner aggrieved from and out of the order passed in C.R.P.No.2462 of 2016, it is for the petitioner to approach the competent forum and this court, in a writ petition filed under Article 226 of the Constitution of India, cannot adjudicate the management disputes. No writ can be entertained, more specifically, when the District Elementary Educational Officer has issued an order based on the order passed in C.R.P.(MD) No.2462 of 2016. All clarifications or necessary petitions for appropriate relief are to be filed in the respective civil suits already pending before various courts including the Trust Suit. The writ petitioner is at liberty to approach the appropriate Court of law for the purpose of redressing the grievance in respect of the management disputes. After all, the educational authorities are proceeding based on the orders passed by this Court and therefore, there cannot be any violation. Therefore, the relief as such sought for by the writ petitioner cannot be granted and the writ petition deserves no merit consideration.

8. In view of the above discussion, no further consideration is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Elementary Educational Officer,
Tirunelveli.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55116
+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 54399
+ 1 CC TO Mr.T.PON RAMKUMAR, ADVOCATE IN SR No. 55077

AM

TE/SKN-RSK/SAR-4 : 20/03/2018 : 3P/5C

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