



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.21887 of 2017
and
W.M.P.(MD)No.18206 of 2017

N.Edwin Jeyakumar

... Petitioner

Vs.

1.The Secretary to Government,
Educational Department,
Fort St.George,
Chennai-9.

2.The Under Secretary to Government,
Personnel and Administrative Reforms Department,
Fort.St.George,
Chennai-9.

3.The Director of College Gate Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

5.The Moderator,
Synd, Church of South India,
Royapetta, Chennai-14.

6.The Bishop,
Kanyakumari Diocese,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to issue appropriate directions to the respondents 5 and 6 not to allow any of its employees who are working in the institutions controlled by the third and fourth respondents and the Government employees in the forth coming Church Committee Elections to be held during January and February 2018.

For Petitioner : Mr.H.Elango

For R1 to R4 : Mr.M.Rajarajan,
Government Advocate.

For R5 and R6 : No Appearance

ORDER

This writ petition has been filed, seeking a direction to direct the respondents 1 and 2 to issue appropriate directions to the respondents 5 and 6 not to allow any of its employees, who are working in the institutions controlled by the third and fourth respondents, and the Government employees in the forth coming Church Committee Elections to be held during January and February 2018.

2. According to the petitioner, he is a member of C.S.I. Church at Kanyakumari District. Now, a election for Diocese and executive committee and correspondents for various educational institutions will be held and the petitioner is anticipating that some of the Government employees working in the Government Colleges and Government Schools are likely to contest in the above said election. In view of the Code of Conduct for teachers and other persons employed in the college, framed under Rule 12(1) of Tamil Nadu Private Colleges (Regulation) Rules, 1976, those persons working in the colleges cannot contest in the election and the statutory authorities should not allow such persons to contest in the forthcoming elections. In the above circumstances, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that when he approached the second respondent with similar request, the second respondent by an order dated 19.10.2017 directed the petitioner, if there is any violation of conduct rules, it is open to him to file complaint before the concerned authorities.

4. On perusal of the order passed by the second respondent dated 19.10.2017, it could be seen that already the second respondent has directed the petitioner to file a necessary complaint, in the event of any violation of the conduct rules. In such circumstances, if any employees working in the colleges are violating any of the conduct rules, it is always open to the petitioner to file a necessary complaint before the competent authorities for taking necessary action against them. At this stage, the petitioner cannot seek any relief before this Court. In the above circumstances, the relief sought for by the petitioner cannot be granted.

5. Accordingly, this writ petition is dismissed. However, it is always open to the petitioner to approach the concerned authorities, if any of the employees found violated the code of conduct. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/



To

1.The Secretary to Government,
Educational Department,
Fort St.George,
Chennai-9.

2.The Under Secretary to Government,
Personnel and Administrative Reforms Department,
Fort.St.George,
Chennai-9.

3.The Director of College Gate Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

+One cc to Mr.H.Elango, Advocate, SR.no.48711

+One cc to The Special Government Pleader, SR.No.48993

Myr
RL/7C/3P/CVC/SAR1/3/4/2018

W.P (MD) No.21887 of 2017

14.02.2018