

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 02.08.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.1485 of 2012****and****M.P. (MD) .Nos.1 and 2 of 2012**

A.Vasanthi

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 2.The District Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of R.C.Schools,
/Member of Education Committee,
Bishop's House,
Tuticorin Diocese,
Tuticorin.
- 4.The Correspondent,
St.Anne's Higher Secondary School,
Koodankulam,
Tirunelveli District.

5.Rexlin Nesa Pushpam

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the third respondent vide Ref.No.2011/124 dated 25.03.2011 and quash the same and consequently, direct the third and fourth respondents to place the petitioner in the seniority list maintained by them above to the name of the fifth respondent with regard to the appointment of Teacher at the fourth respondent's School.

For Petitioner	: Mr.R.Anand
For R1 & R2	: Mrs.S.Srimathi Special Government Pleader
For R3	: Mr.S.Anwar Sameem
For R4 and R5	: No appearance

ORDER

The order impugned dated 25.03.2011 is the order passed by the Officer of the Superintendent of R.C.School Diocese of Tuticorin.

2.The Education Committee of the Diocese has taken a decision in the matter of fixation of seniority of a person, who all are eligible for appointment in the School maintained by the Diocese of Tuticorin.

3.The grievance of the writ petitioner is that he was converted from R.C Christian to C.S.I Christian and therefore, his case was not considered.

4.May that it be, all such allegations cannot be adjudicated in this writ petition. The decision was taken by the Diocese of Tuticorin and therefore, the writ petition cannot be entertained. If at all any grievance exists to the writ petitioner, it is left open to him to approach the competent forum for the purpose of redressal of his grievance.

5.In this regard, the learned counsel for the respondent cited the order of this Court dated 25.11.2011 passed in W.P.No.265 of 2008, which is extracted hereunder:

"2.The petitioner's main contention was that all appointments in various educational institutions coming under the Diocese of Kottar to be made as per the rules framed and published known as Kottar Diocese Roman Catholic Schools Appointment Rules, which is normally followed. For each post a list of seniority is maintained by the Parish Priests in all Parishes. The petitioner already worked in a leave leave vacancy in some other school and she is senior to the 6th respondent. In stead of giving preference as per the seniority list, the authorities have appointed the 6th respondent. Therefore, she comes with the prayer. However, this Court while considering the similar prayer in W.Queen Sheeba vs. Joint Director, Directorate of School Education Chennai and others, reported in 2010(2) CWC 126. In paragraph 9 it was held as follows:

"9.If the fourth respondent Church has any policy of giving preference that is entirely a private matter. The forum in which the petitioner can raise such issue should be her Church form and not by filing the writ petition claiming to enforce her Church policy. It is not open to the petitioner to question the appointment of the fifth respondent solely on the ground that he was an Hindu or that the certificate of religion produced by him is not



genuine. In the absence of any legal or enforceable right on the part of the petitioner, this Court is not inclined to entertain the writ petition."

3. In the light of the same, this Writ Petition is misconceived. Accordingly, stands dismissed. No costs. Consequently, connected M.P is closed."

6. In view of the fact that the order passed by the diocese of Tuticorin is under challenge and the Diocesan being not an instrumentality of the State, this Court cannot entertain the writ petition however, the petitioner is at liberty to redress the grievance in the manner known to law.

7. With the above observation, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

2. The District Educational Officer,
Tirunelveli District,
Tirunelveli.

+1 CC to Mr. V. JOHN KENNEDY, Advocate SR-79430.
+1 CC to SPL GP SR-79679.

W.P. (MD) No. 1485 of 2012
and
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CS (14.08.2019) 3P 5C