

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.8729 of 2020

S.Arivu

...Petitioner

Vs.

- 1.The Principal Secretary to Government
School Education Department,
Fort St George Chennai 600 009.
- 2.The Under Secretary to Government.
Personal and Administrative Reforms Department.
Fort St. George Chennai-600 009
- 3.The District Collector, Cuddalore
Cuddalore District
- 4.The District Collector.
Thiruvannamalai, Thiruvannamalai District
- 5.The Chief Educational Officer,
Cuddalore Cuddalore District.
- 6.The Chief Educational Officer,
Tiruvannamalai, Thiruvannamalai District.
- 7.B. Hubert Dhanasundaram
Headmaster Danish Mission Higher
Secondary School Tiruvannamalai
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 5th and 6th respondents to consider the Petitioner's Representation dated 09.12.2019.

For Petitioner

: Mr.K.Thenrajan

For Respondents

: Mr.P.Raja, Government Advocate
- for RR 1 to 6
Mr.Srinath Sridevan - for R7

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed seeking the following prayer:

"To direct the 5th and 6th respondents to consider the Petitioner's Representation dated 09.12.2019.

3. The case of the petitioner is that he is working as a Music Teacher in Girls Christian Higher Secondary School at Melpattambakkam, Cuddalore District. He is a member of Arcot Lutheran Church of the said District. According to the petitioner, the Church runs several schools, colleges and hospitals all over the State, which are aided by the State Government.

4. The grievance of the petitioner is that the seventh respondent, who is stated to be the Headmaster of Danish Mission Higher Secondary School, Tiruvannamalai, which is part of the Church Management, is holding various other positions contrary to Rule 14A of the Tamil Nadu Government Servants Conduct Rules. According to the petitioner, the seventh respondent is holding the post of Secretary, Arcot Lutheran Church Board Election Committee, Cuddalore District and also was entrusted with the additional charge of Correspondent of Girls Christian Higher Secondary School, in which the petitioner is working as Music Teacher.

5. In view of the seventh respondent holding several posts, he would not be able to discharge his duties effectively and efficiently as Headmaster of Danish Mission School, Tiruvannamalai and also Correspondent of Girls Higher Secondary School, Melpattambakkam, Cuddalore District. According to the petitioner, each of the posts held by the seventh respondent is a full time post and therefore the multiple responsibility vested in the seventh respondent would undermine his functions and resultantly it will affect the welfare of the school and its related activities.

6. The affidavit also contains certain facts where orders were passed by this Court in regard to the functioning of the seventh respondent at the instance of the staff concerned. Learned counsel appearing for the petitioner Mr.Thenrajan reiterated the facts as stated in the affidavit and questioned the continuance of the seventh respondent in various posts, as his continuance is contrary to the provisions of the Tamil Nadu Government Servants Conduct Rules. Therefore, the writ petition

is being filed seeking direction to the fifth and sixth respondent to consider his representation said to have been submitted on 09.12.2019 against the seventh respondent.

7. Mr.P.Raja, learned Government Advocate takes notice for the respondents 1 to 6 and Mr.Srinath Sridevan has entered appearance on behalf of the seventh respondent.

8. This Court is unable to appreciate as to how the present writ petition is maintainable at the instance of the petitioner herein for more than one reason. From the entirety of the contents of the affidavit and the nature of allegations, it is quite obvious that the petitioner has an axe to grind against the seventh respondent as both the petitioner and the seventh respondent belong to the same Church. It also appears that there has been a dispute among the Church members in regard to the functioning of the seventh respondent. A private dispute among the Church members cannot be the basis for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

9. This Court after taking note of the contents of the affidavit, is clearly of the view that the Church members are wanting to settle their private scores with each other and in order to lend credibility to their differences, they are attempting to drag the Constitutional Court into their squabble. This Court cannot be a party to the on-going dispute among the Church members and particularly this Court is unable to understand what is the locus standi of the petitioner to question the multiple roles adorned by the seventh respondent. It is entirely within the concern of the Management as to how their institution should be regulated and governed and it is not for this Court, at the instance of probably a disgruntled staff, to interfere with the day to day affairs of the Church.

10. In the above circumstances, this Court finds that the writ petition lacks in bonafides, the same is motivated and cannot be entertained. Hence, the writ petition is dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST/MSK

To

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5. The Chief Educational Officer,
Cuddalore Cuddalore District.
6. The Chief Educational Officer,
Tiruvannamalai, Thiruvannamalai District.

+1cc to Mr.T.K.Bhaskar, Advocate, S.R.No.24681

+1cc to the Government Pleader, S.R.No.24776

W.P.No.8729 of 2020

VG II (CO)
KKV/13/08/2020

सत्यमेव जयते

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