



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13935 of 2021

and

W.M.P(MD)No.10880 of 2021

WEB COPY

S.Rajesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
Directorate of School Education,
D.P.I.Campus, College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Thiruvettar Educational District,
Kuzhithurai, Kanniyakumari District.

4.The Church of South India,
Rep. by its Secretary,
No.5, Whites Road, Royapettah,
Chennai - 600 014.

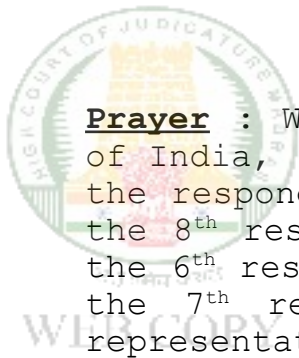
5.C.S.I. Kanniyakumari Diocese,
Rep. by Bishop,
Nagercoil,
Kanniyakumari District.

6.The Malaicode Pastor,
Malaicode Pastorate Church,
Kuttaicode District,
Edaicode - 629 152,
Kanniyakumari District.

7.The Headmaster,
Aided Higher Secondary School,
Mottakkala, Edaicode - 629 152.

8.R.Raja Selva Singh,
Decon and Secretary,
Malaicode Pastorate Church,
Working as P.G.Assistant (Tamil),
Aided Higher Secondary School,
Mottakkala, Edaicode - 629 152,
Kanniyakumari District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 5 herein to take appropriate action against the 8th respondent herein for functioning as Decon and Secretary of the 6th respondent Church, while working as P.G.Assistant (Tamil) in the 7th respondent Aided Higher Secondary School, based on his representation, dated 22.02.2021.

For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.R.Baskaran for R1 to R3
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 to 5 herein to initiate appropriate action against the eighth respondent for functioning as Decon and Secretary of the sixth respondent Church while working as PG Assistant (Tamil) in the seventh respondent School.

2. The petitioner asserts that the eighth respondent works as PG Assistant (Tamil) in the seventh respondent School, which is said to be an aided school. Consequently, it is alleged that the eighth respondent is prohibited from contesting elections to any organization which is unconnected with his employment.

3. Learned counsel for the petitioner relies upon an interim order passed in W.P.(MD).No.10249 of 2021 to support his case.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the third respondent would be the appropriate authority to consider the petitioner's representation.

5. From the facts set out in the affidavit, it is evident that the petitioner has an axe to grind against the fifth respondent herein. Nonetheless, the petitioner has cited provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and the Rules framed thereunder to contend that there is a prohibition as regards employees of aided schools participating in elections to bodies unconnected with their employment. Such allegations would have to be tested by the authority concerned after examining all material documents and providing a reasonable opportunity to the petitioner and the eighth respondent.

6. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 22.02.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, the eighth respondent and any other persons who would be



affected thereby. On account of the fact that the merits of the matter have not been examined and because the third respondent has been directed to hear the eighth respondent and any other affected parties, this Writ Petition is disposed of without notice to respondents 4 to 8 herein.

WEB COPY

7. W.P.(MD).No.13935 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10880 of 2021 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
Directorate of School Education,
D.P.I.Campus, College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Thiruvettar Educational District,
Kuzhithurai, Kanniyakumari District.

+1CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-25867[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-26073[F] dated 12/08/2021)

W.P (MD) No.13935 of 2021
11.08.2021

RD(19.08.2021) 3P 6C