



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.16295 of 2021

and

W.M.P. (MD)No.13132 of 2021

Rev.P.Paul Gnana Nithyan

... Petitioner

vs.

1.The Registrar,
Senate of Serampore College (University),
10, Willilam Carey Road (Mac House Complex),
P.O.Serampore,
Hooghly District-712 201, West Bengal.

2.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

3.The Principal,
The Tamil Nadu Theological Serminary,
Arasaradi, Madurai-625 016.

4.Rt.Rev.Dr.D.Chandrasekaran,
Bishop & Chair Person (TTS),
CSI Trichy- Thanjavur Diocese,
Diocesan Office, Puthur, Trichy- 620 017.

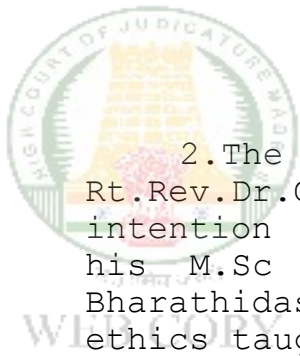
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 03.09.2021 of the third respondent and quash the same as illegal and consequently, to direct the first respondent to approve the petitioner admission of M.Th, the course got in the third respondent's institution.

For Petitioner	:Mr.K.K.Ramakrishnan
For R1	:Mr.V.Panneerselvam
	Standing Counsel
For R3 and R4	:Mr.Henri Tiphagne
For R2	:No Appearance

O R D E R

This Writ Petition has been filed in the nature of a Certiorarified Mandamus questioning the order, dated 03.09.2021 passed by the third respondent/The Principal, the Tamil Nadu Theological Serminary, Arasaradi, Madurai and to interfere with the same and consequently, to approve the admission of the petitioner to the Master of Theology for which he had obtained admission in the third respondent institution.



2.The petitioner/Rev.P.Paul Gnana Nithyan, whose father was the Rt.Rev.Dr.G.Paul Vasanthakumar, had been bestowed with the noble intention to study Christian religious service. He had completed his M.Sc and M.Phil in Physics in Bishop Heber College and Bharathidasan University. Thereafter, probably, owing to the good ethics taught by his father, he had turned around and had joined the Bachelor of Divinity Course in the third respondent institution for the academic year 2010-14. He also got Presbyterian Ordination and he joined in the fourth respondent institution CSI Trichy-Thanjavur Diocese as a Presbyterian.

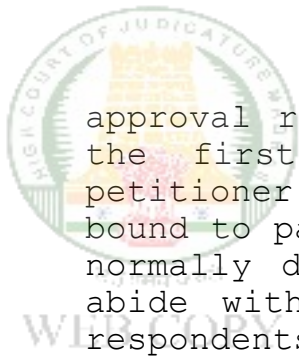
3.Naturally, the next step is to take up a course in Master of Theology. He joined in this particular course after paying necessary fees in the third respondent institution. However, his ambition had been cut short by the passing of the impugned order, whereby, his admission had been interfered with. It had been stated that his admission has overstepped the number of students, who could be admitted for Master of Theology and had violated the direction or stipulation of the first respondent University.

4.In the meanwhile, unfortunately, one of the Professors of the College had died. Though that may not have any direct bearing on the admission of the petitioner herein, still there is a vacancy in the professorship that has upset the professor/student ratio, thereby, indirectly affecting the admission of the petitioner. The third and fourth respondents have their hands tied. They are bound by the regulations of the first respondent.

5.Heard Mr.K.K.Ramakrishnan, learned Counsel for the petitioner, Mr.V.Panneerselvam, learned Counsel for the first respondent and Mr.Henri Tiphagne, learned Counsel for the respondents 3 and 4.

6.Mr.Pannarselvam, learned Counsel for the first respondent enlightened the Court with respect to the stand of the petitioner vis-a-vis the fate of the petitioner herein. The learned Counsel for the first respondent stated that any direction of this Court would certainly be followed and in this connection, the learned Counsel for the respondents 4 and 5 also drew attention to an earlier interim direction, whereby, this Court had directed that the petitioner may be permitted to write the examination and it must be kept in mind that such direction was acceded and the petitioner was permitted to write the examination, when the petitioner was not actually a student of the college. This only reflects that the respondents herein have every intention to comply with any direction passed by this Court.

7.Taking a broader view and taking into consideration the fact that the petitioner herein is qualified to study Master of Theology
<https://hcservices.hcservices.in/hcservices/> other impediment to his study, except for a formal



approval required by the first respondent, a direction is given to the first respondent to grant such approval and enable the petitioner to continue with his study. Naturally, the petitioner is bound to pay necessary fees and comply with other stipulation, as is normally directed by the third and fourth respondents and has to abide with the any other order imposed by the third and fourth respondents.

8.I direct the first respondent to give necessary approval to the admission of the petitioner herein taking into consideration the larger interest involved and such approval must be granted within a period of three weeks from the date of receipt of a copy of this order. Since the petitioner had already written his examination, the third respondent may proceed to declare the results of the examination, which he had the benefit of writing under the directions of this Court.

9.I fervently hope that this order would put an end to any small niggle in the minds of the parties. Let the petitioner continue to study with a free mind, keeping in mind the noble object of qualifying himself as a Reverend and thereafter, rendering service for the welfare of the society. The Writ Petition is allowed with the aforesaid direction to the first respondent. No costs.

10.I am also called upon to also add that the death of the Professor, Mr.Jawahar, should not affect the regularisation of the admission of the petitioner, since one of the concerns of the first respondent is the Professor-Student ratio. But still, taking into consideration the nature of course studied by the petitioner, I am confident that the third respondent would be able to do full justice in imparting teaching to the petitioner and fulfill all the requirements, which he should learn to qualify as a Master of Theology. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

TO:-

- 1.The Registrar,
Senate of Serampore College (University),
10, Willilam Carey Road (Mac House Complex),
P.O.Serampore, Hooghly District-712 201, West Bengal.



2.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

3.The Principal,
The Tamil Nadu Theological Serminary,
Arasaradi, Madurai-625 016.

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-39386[F]
dated 17/12/2021)

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-39194[F] dated 17/12/2021)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-39546[F]
dated 20/12/2021)

Order made in
W.P. (MD) No.16295 of 2021
16.12.2021

SE(CO)
GC(30.12.2021) 4P 7C