



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.10132 of 2015, 9860 of 2018 & 18943 of 2020
and

W.M.P(MD)Nos.856, 2327, 2437 & 6835 of 2021, 15862 of 2020
& 11791 of 2018

1.W.P(MD)No.10132 of 2015:-

Julius Jawahar Devakandan

... Petitioner

Vs.

1.The Chief Secretary to Government of Tamil Nadu,
Chennai - 9.

2.The Secretary to Government of Tamil Nadu,
Department of Higher Education,
Chennai - 9.

3.The Secretary to Government of Tamil Nadu,
Department of School Education,
Chennai - 9.

4.The Director of Collegiate Education,
E.V.K Sampath Building, 9th Floor,
Chennai - 6.

5.The Director of School Education,
Chennai - 6.

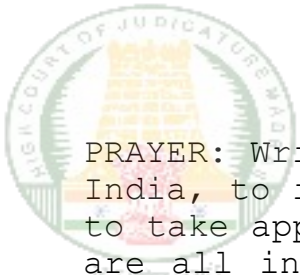
6.The Director of Elementary Education,
Chennai - 6.

7.The Bishop,
Diocess of Madurai Ramnad,
Church of South India (CSI),
Diocesan Office,
No.162A, East Veli Street, Madurai-01.

8.Manickaraj

... Respondents

(R.8 is impleaded vide order dated 08.10.2021 made
in W.M.P(MD)No.15022/2021)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 to take appropriate action against the Government servants those who are all involving church politics and holding the post of diocesan council members under the control of the seventh respondent by considering the representations given by the petitioner, dated 01.06.2015 and 04.06.2015 within the period stipulated by this Court.

For Petitioner : Mr.S.A.Ajmal Khan

For RR 1 to 6 : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.B.Saravanan
Government Advocate

For R - 7 : Mr.J.Bharathan

For R - 8 : Mr.V.Lakshmi Narayanan
for Mr.Jebaselvan Newman

2.W.P(MD)No.9860 of 2018:-

S.Jeyaprakash Jesudass ... Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu,
Educational Department,
St. George Fort,
Chennai.

2.The Director of School Educational,
Tamil Nadu School Education Department,
D.P.I. Complex,
Chennai.

3.The Director of School Educational,
Secondary School Education Department,
D.P.I. Complex,
Chennai.

4.The Chief Educational Officer,
Chief Educational Office,
Madurai.



- 5.The Chief Educational Officer,
Chief Educational Office,
Sivagangai.
- 6.The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram.
- 7.The District Collector,
District Collector Office,
Madurai.
- 8.The District Collector,
District Collector Office,
Sivagangai.
- 9.The District Educational Officer,
District Collector Office,
Madurai.
- 10.The District Educational Officer,
District Collector Office,
Sivagangai.
- 11.The District Educational Officer,
District Collector Office,
Ramanathapuram.
- 12.The Secretary Church of South India
Trust Association,
5, Whites Road,
Rayapettai,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 15.03.2018 and restrain the school teachers, staff working in the C.S.I. Madurai and Ramanad Diocese in participating the pastorate committee election announced on 27.04.2018 to 29.04.2018 by the C.S.I. Madurai by Ramanad Diocese and take appropriate action against those persons who are violating the Tamil Nadu Government Servant Conduct Rules, 1973.

For Petitioner : Mr.S.S.Samuel James Devasagayam

For RR 1 to 11 : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.B.Saravanan
Government Advocate



For R - 12

: Mr.S.A.Ajmal Khan
Senior Counsel
for Mr.M.Mahaboob Athiff

3.W.P(MD)No.18943 of 2020:-

Arockiam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Through its Principal Secretary to Government,
Personnel and Administrative Reforms,
Secretariat, Fort St. George,
Chennai-9.
- 2.The Secretary,
School Education Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-9.
- 3.Church of South India Trust Association,
CIN No.U93090TN1947NPL000346,
No.5, Whites Road,
Royapettah, Chennai-14.
- 4.The Church of South India,
No.5, Whites Road,
Royapettah, Chennai-14.
- 5.K.Palayyan
- 6.The Secretary,
C.S.I. Kanyakumari Diocese,
Nagercoil - 629 001,
Kanyakumari District.
- 7.Jegan Babu
- 8.C.Dennis
(RR 5 to 8 are impleaded vide order
dated 22.01.2021 made in
W.M.P(MD)Nos.818, 905, 1002
and 1025 of 2021)
- 9.N.David Raj
- 10.P.K.Pravin Raj



11.C.Sathiakumar

12.R.Samuel Justin

13.J.Jayakaran

14.G.Yesupatham

(RR 9 to 14 are impleaded vide order
dated 12.02.2021 made in W.M.P(MD)
Nos.1140, 1646, 1979, 2175 & 2188 of 2021)

15.Christy Divakaran

16.Anandharaj

17.J.Allen Britto

18.Sam Diraviya Kumar

19.Philip

20.Alex Sundar Singh

(RR 15 to 20 are impleaded vide order dated
19.02.2021 made in W.M.P(MD)No.2436 of 2021)

21.K.T.Jeyamohan

22.David Jeyaraj

23.M.Chelladurai

(RR 21 to 23 are impleaded vide order dated
23.03.2021 made in W.M.P(MD)Nos.3786,
4531 and 5143 of 2021)

24.Y.Sasikumar

(R24 is impleaded vide order dated
08.10.2021 made in W.M.P(MD)No.8327 of 2021)

25.J.Jayaseelan Jesudurai

(R25 is impleaded vide order dated
08.10.2021 made in W.M.P(MD)No.15047 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take actions to forbear the staffs of the third and fourth respondents from contesting in election and



holding the posts in the third and fourth respondent religious organization and to take appropriate actions on the staffs holding such posts based on the petitioner's representation dated 02.11.2020.

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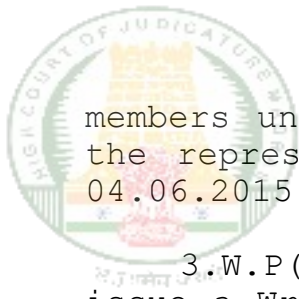
For Petitioner	: Mr.T.A.Ebenezer
For RR 1 & 2	: Mr.Veera.Kathiravan Additional Advocate General Assisted by Mr.B.Saravanan Government Advocate
For RR 3 & 4	: Mr.Adrian D.Rozario
For RR 5, 7 & 9	: Mr.F.Deepak
For RR 6 & 12 to 14	: Mr.Isaac Mohan Lal Senior Counsel for M/s.Isaac Chambers
For RR 8 & 21	: Mr.T.Chib Chakraborty
For R - 10	: Mr.A.Rajkumarsen
For R - 11	: Mr.P.T.Thiraviam
For RR 15 to 20	: Mr.J.Selvin Rajesh
For R - 22	: Mr.M.Kamalanathan
For R - 23	: Ms.Sathia Chandran
For R - 24	: Mr.R.Mathiyalagan
For R - 25	: Mr.V.Lakshmi Narayanan for Mr.J.Jebaselvan Newman

COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

Since the issues involved in these Writ Petitions are common, the Writ Petitions are taken up together and disposed of by this common order.

2.W.P(MD)No.10132 of 2015 has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents 1 to 6 to take appropriate action against the Government servants those who are all involved in church politics and holding the post of diocesan council



members under the control of the seventh respondent by considering the representations given by the petitioner, dated 01.06.2015 and 04.06.2015 within a time frame.

3.W.P(MD)No.9860 of 2018 has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 15.03.2018 and restrain the school teachers, staff working in the C.S.I. Madurai and Ramanad Diocese in participating the pastorate committee election announced on 27.04.2018 to 29.04.2018 by the C.S.I. Madurai by Ramanad Diocese and take appropriate action against those persons who are violating the Tamil Nadu Government Servant Conduct Rules, 1973.

4.W.P(MD)No.18943 of 2020 has been filed as a Public Interest Litigation by the petitioner to issue a Writ of Mandamus, to direct the first respondent to forbear the staffs of the third and fourth respondents Educational Institutions from contesting in election and holding the posts in the third and fourth respondent religious organization and to take appropriate actions on the staffs holding such posts based on the petitioner's representation dated 02.11.2020.

5.It is the case of the petitioners that the Diocese is running a number of Educational Institutions aided by the Government and Teaching and non-Teaching staffs of such aided Schools, who are paid from Government fund are contesting in election for holding the posts in religious institutions, which is contrary to Rule 14-A of the Tamil Nadu Government Servants Conduct Rules, 1973.

6.As per Rule 14-A of the Tamil Nadu Government Servants Conduct Rules, 1964, the Government servants are prohibited from being a member of, or be otherwise associated with any organization which promotes or attempts to promote disharmony or feelings of enmity or hatred or ill-will between different religious, racial, language or regional groups or castes or communities on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever. As regards participation in purely religious activities, the freedom to profess and practice any religion is guaranteed under Article 25 of the Constitution of India. The Government servants while they are free to profess and practice any religion in their private lives, should conduct themselves in public as to leave no room for any impression to arise that they do not subscribe to the secular philosophy of the State. The Church of South India Diocese is having its own rules, regulations or by-laws to govern the affairs and conduct of the teaching and non-teaching staffs employed in the Schools which are functioning under the Diocese. Rule 16(1) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, prescribes the code of conduct for Teachers and non-teaching staffs employed in private schools. As per Rule 8 of the said Rules, no teacher or



participate in or canvass for any elections. Such restriction will not, however, apply to the teachers in respect of elections to the Teachers' Constituencies.

7.The second respondent, namely, the Secretary, the School Education Department filed a counter-affidavit wherein he has specifically stated that in the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and Rules made thereunder, there is no provision dealing with the issue of the teaching and non-teaching staff contesting in an election and holding the posts in the third and fourth respondents organization. In these circumstances, the second respondent submitted that the contention of the petitioner to take action to forbear the staffs of the third and fourth respondents Educational Institutions from contesting in election and holding the posts in the third and fourth respondent's religious organization and to take appropriate action on the staff holding such posts based on the petitioners representation is not permissible for the reason that there is no such provision available in the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules made thereunder enabling the Educational Authority to issue such direction.

8.In view of the specific stand taken by the Secretary, the School Education Department to the effect that there is no provision under the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, against the teaching and non-teaching staffs, the prayers sought for in the Writ Petitions are liable to be rejected. Accordingly, the Writ Petitions are devoid of merits and the same are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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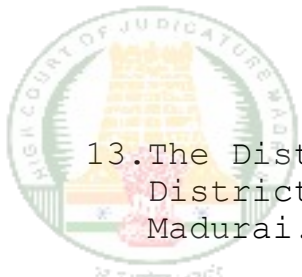
Note :

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 Chief Secretary to Government of Tamil Nadu,
Chennai - 9.
- 2.The Secretary to Government of Tamil Nadu,
Department of Higher Education,
Chennai - 9.
- 3.The Secretary to Government of Tamil Nadu,
Department of School Education,
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- 4.The Director of Collegiate Education,
E.V.K Sampath Building, 9th Floor,
Chennai - 6.
- 5.The Director of School Education,
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- 6.The Director of Elementary Education,
Chennai - 6.
- 7.The Secretary to the Government
of Tamil Nadu,
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- 08.The Chief Educational Officer,
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Sivagangai.

15.The District Educational Officer,
District Collector Office,
Ramanathapuram.

16.The Principal Secretary to Government,
Personnel and Administrative Reforms,
Secretariat,
Fort St. George,
Chennai-9.

17.The Director of School Educational,
Secondary School Education Department,
D.P.I. Complex,
Chennai.

+1 CC to Mr.S.SATHIA CHANDRAN, Advocate SR.No. 33335
+1 CC to Mr.T.CIBI CHAKRABORTHY, Advocate SR.No. 33419
+2 CC to Mr.ISAAC CHAMBERS, Advocate SR.No. 33424
+1 CC to Mr.ADRIAN D.ROZARIO, Advocate SR.No. 33425
+1 CC to Mr.F.DEEPAK, Advocate SR.No. 33478
+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate SR.No. 33484

**W.P(MD)Nos.10132 of 2015,
9860 of 2018 & 18943 of 2020
29.10.2021**

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TR/SKN(17.11.2021) 10P 25C