



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD) .No.7419 of 2017

The Secretary,
The Latin Catholic Fishermen Educational Society
Rep. by Fr.Francis De Sales .. Petitioner

Vs.

1.The Director of Collegiate Education,
DPI Campus College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

3.The Principal,
St.Jude's College,
Thoothoor-629 176,
Kanyakumari District.

4.S.Maria Kuchelan .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 not to give any approval for appointment of teaching and non-teaching staffs till elect the secretary by the general body of the Latin Catholic Fishermen Educational Society in St.Jude's College, Thoothoor, Kanyakumari District.

For Petitioner : Mr.C.Sankar Prakash
for M/s.N.S.Ramakrishnadass

For Respondents 1 & 2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For Respondent No.4 : Mr.G.Sankaran

For Respondent No.3 : No appearance



ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 not to give any approval for appointment of teaching and non-teaching staffs till elect the secretary by the general body of the Latin Catholic Fishermen Educational Society in St.Jude's College, Thoothoor, Kanyakumari District.

2. The case of the petitioner is that the petitioner is the Priest cum Secretary of the Latin Catholic Fisherman Educational Society, Thoothoor. The said society runs the College named St.Jude's College at Thoothoor and it is a minority institution. While so, there was a dispute with regard to the legality of the College Secretary and two writ petitions were filed before this Court in W.P.Nos.1629 and 19637 of 2013. This Court, by a common order dated 12.8.2013 disposed of the same directing the Bishops of Diocese of Trivandrum and Diocese of Kottar to nominate one member each from the Board of Directors within a period of two weeks and such nominated members shall together discharge the function of the Secretary of the College. However, the above said order was not implemented. Hence, the Society filed another writ petition in W.P.No.16277/2015 before this Court to appoint a suitable person for selecting through vote by the general body members for the appointment of College Secretary and the same is pending. In the meantime, the third respondent has misused his power and illegally appointed one S.Mariya Kuchelan as Record Clerk in the said College. Hence, the petitioner approached the authorities concerned and explained about the illegality in the said appointment and further the 3rd respondent is not an authorized person for appointing staff or non-teaching staff in the institution. Since the said request/objection of the petitioner was not considered by the authorities, the petitioner has approached this Court.

3. The learned counsel for the petitioner would submit that it would be suffice, if this Court issues a direction to the official respondents to consider the request of the petitioner at the earliest point of time. He would further submit that if such illegal appointment made by the Educational Authorities, liberty may be granted to the petitioner to challenge the same in the manner known to law.

4. The learned counsel appearing for the 4th respondent would submit that the Secretary post was approved by the Educational Authorities on 10.8.2020, however till date appointment of teaching and non-teaching staff is not approved by the Educational Authorities due to the pendency of the writ petition filed by the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the



respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

6. In view of the submission made by the learned counsel for the 4th respondent, nothing survives for further adjudication in this writ petition. Accordingly, this Writ Petition stands dismissed. No costs. However, liberty is given to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Director of Collegiate Education,
DPI Campus College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1 CC to M/s.F.DEEPAK, Advocate (SR-11745[F] dated 17/03/2021)
+1 CC to M/s.SPL GP (SR-12150[F] dated 18/03/2021)

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mj (CO)

TR(24.06.2021) 3P 5C