



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.10733 of 2022

and

WMP No.10379 of 2022

Arcot Lutheran Church
Represented by its Secretary
Cuddalore

...Petitioner

vs.

1. The Secretary to Government of Tamil Nadu
Department of School Education,
Chennai - 600 009.

2. The Director of School Education
Directorate of School Education
DPI Complex, College Road,
Chennai - 600 006.

3. The Chief Educational Officer
Chief Educational Office
District Educational Office Complex
Kallakurichi - 606 202.

4. The Chief Educational Officer,
Chief Educational Office,
Ponnaiyaar Road, Manjakuppam,
Cuddalore - 607 001.

5. The District Educational Officer,
Thirukovillur - 605 757
Kallakuruchi District.

6. The District Educational Officer,
District Educational Office,
Cuddalore - 607 001.

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records pertaining to Notice dated 13.04.2022 bearing Na Ka No.1631/A4/2022 issued by the 3rd respondent and consequential Circular issued by Respondent No.5 bearing Na.Ka No.1854/A4/2022, dated 19.04.2022 and consequential Circular bearing Na.Ka. No.3370/A2/2022 dated 20.04.2022 issued by Respondent No.6 and quash the same.

For petitioner : Mr.Srinath Sridevan
For respondents : Mr.B. Vijay,
Addl. Govt. Pleader

ORDER

This writ petition has been filed challenging the Circulars dated 13.04.2022, 19.04.2022 and 20.04.2022 under which it has been declared that the teaching and non-teaching staff of Minority institution cannot contest in any elections or hold any post or canvass for any contesting candidate.

2. Heard Mr.Srinath Sridevan, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that the issue is now well settled by a decision of the Hon'ble Division Bench of this Court in the case of Julius Jawahar Devakandan and others vs. the Chief Secretary to Government of Tamil Nadu, Chennai and others in a batch of writ petitions in W.P.(MD) No.10132 of 2015 etc. batch dated 29.10.2021, wherein it has been held that there is no prohibition for teaching and non-teaching staff to contest in an election and to hold any posts in the Church of South India Diocese.

4. In the case on hand, the Church involved is Arcot Lutheran Church. In the decision rendered by the Hon'ble Division Bench of this Court referred to supra, though Mandamus was sought for in those writ petitions, to forbear the teaching and non-teaching staff from contesting elections as Office Bearers to Churches, the very same contention that has been raised by the respondents in this writ petition were also raised in those writ petitions. The petitioners in those writ petitions had raised the very same contention that has been raised by the respondents in this writ petition by contending that teaching and non-teaching staff of Minority institutions cannot contest elections and hold positions in a Church. The Hon'ble Division Bench by its order dated 29.10.2021 referred to supra in the batch of writ petitions, however, rejected the contentions of the petitioners therein and held that there is no provision for



३.३.३. प्रयोग ५२

dated

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



WEB COPY

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.

6. The Hon'ble Supreme Court has also upheld the order of the Hon'ble Division Bench of this Court dated 29.10.2021 in SLP No.4641 of 2022 by its order dated 01.04.2022 by dismissing the said SLP. Since the order attained finality, the impugned Circulars imposing the conditions that a teaching and non-teaching staff of Minority institutions cannot participate in elections for a Church / religious organisation and shall not hold positions, have to be necessarily quashed and this writ petition will have to be allowed as there is no prohibition for teaching and non-teaching staff of any religious organisation to contest elections / hold positions in any religious organisation. However, it is made clear that teaching and non-teaching staff shall not contest or hold any positions in any political party and shall also not canvass for any candidate of a political party.

7. For the foregoing reasons, the impugned Circulars dated 13.04.2022, 19.04.2022 and 20.04.2022 are hereby quashed and accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi2



To

1. The Secretary to Government of Tamil Nadu
Department of School Education,
Chennai - 600 009.

2. The Director of School Education
Directorate of School Education
DPI Complex, College Road,
Chennai - 600 006.

3. The Chief Educational Officer
Chief Educational Office
District Educational Office Complex
Kallakurichi - 606 202.

4. The Chief Educational Officer,
Chief Educational Office,
Ponnaiyaar Road, Manjakuppam,
Cuddalore - 607 001.

5. The District Educational Officer,
Thirukovillur - 605 757
Kallakuruchi District.

6. The District Educational Officer,
District Educational Office,
Cuddalore - 607 001.

+1cc to Mr.Srinath Sridevan, Advocate, S.R.No.37954

W.P.No.10733 of 2022

SR[co]
NSK/04/07/2022