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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.12294 of 2019
and
W.M.P.No.12588 of 2019

P.James

..Petitioner

Vs.

1. The State of Tamil Nadu
rep. By its Secretary to Government,
Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Director of School Education,
Chennai District, Chennai.
3. The District Collector,
Chennai District, Chennai.
4. The District Collector,
Cuddalore District, Cuddalore.
5. The District Collector,
Villupuram District, Villupuram.
6. The District Collector,
Tiruvannamalai District, Tiruvannamalai.
7. The District Collector,
Salem District, Salem.
8. The Arcot Lutheran Church (Society),
ALC Central Office,
No.9, ALC Campus, Cuddalore
rep. By its Secretary

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, forbearing the respondents herein to from any manner permitting its employees who are all members of the 8th respondent society in taking active participation in the administration of the 8th



respondent society in accordance with the provisions of Tamilnadu Government Servants' Conduct Rules 2913.

For Petitioner : Mr.J.Selvarajan

For Respondents : Ms.V.Yamunadevi
Special Govt. Pleader for R1 to R7
R8-Served-No Appearance

O R D E R

The prayer in the Writ Petition is as follows:-

"to forbear the respondents herein to from any manner permitting its employees who are all members of the 8th respondent society in taking active participation in the administration of the 8th respondent society in accordance with the provisions of Tamilnadu Government Servants' Conduct Rules 2913."

2.The issue is covered by the judgment of the Hon'ble Division Bench of this Court in Julius Jawahar Devakandan Vs. The Secretary to Government of Tamil Nadu dated 29.10.2021. The Hon'ble Division Bench in Paragraph 6 of the judgment has observed as follows:-

"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



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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 other person employed in a private school shall contest or participate in or canvass for any elections. Such restriction will not, however, apply to the teachers in respect of elections to the Teachers' Constitutencies."

3. In view of the above, the issue is no longer res-integra and the prayer in the Writ Petition cannot be granted. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

kkn

To:-

1. The Secretary to Government,
State of Tamil Nadu, Education Department,
Fort St. George, Secretariat, Chennai - 600 009.
2. The Director of School Education,
Chennai District, Chennai.
3. The District Collector,
Chennai District, Chennai.
4. The District Collector,
Cuddalore District, Cuddalore.
5. The District Collector,
Villupuram District, Villupuram.
6. The District Collector,
Tiruvannamalai District, Tiruvannamalai.
7. The District Collector,
Salem District, Salem.

+1cc to the Government Pleader, S.R.No.39099

W.P.No.12294 of 2019
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MG (CO)
UMA (07/07/2022)