



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6856 of 2020 and
W.M.P.(MD)No.6263 of 2020

A.Kondavellai

... Petitioner

Vs.

1. The Registrar,
Senate of Serampore College,
(Deemed University),
Mac House Complex,
No.8, William Kere Road,
Serampore – 712 201,
West Bengal.

2. The Chairperson,
Governing Council,
The Tamil Nadu Theological Seminary College,
No.32-C, Bharathidasan Road,
Arasaradi,
Madurai – 625 016.

3. The Principal,
Tamil Nadu Theological Seminary College,
No.32-C, Bharathidasan Road,
Arasaradi,
Madurai – 625 016.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the dismissal order dated 31.01.2020 issued by the 3rd respondent to the



petitioner and quash the same as illegal and consequently directing the 3rd respondent to reinstate the petitioner to the service by considering the representation made by the petitioner dated 03.02.2020 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Saravanakumar

For Respondents: No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner.

2. There is no representation on the side of the respondents.

3. The petitioner challenges the impugned order passed by the third respondent whereby he has been dismissed from service.



4. The writ petition itself is not maintainable. The petitioner was appointed as Social Action Co-ordinator by the third respondent. The third respondent is a religious institution imparting training to those who are aspiring to join clergy. By no stretch of imagination, the third respondent institution can be characterised as a State instrumentality. It is also not discharging any public function. If the third respondent institution is discharging public function, then the writ petition cannot be maintainable. The third respondent institution is not discharging public function as understood in constitutional sense. Therefore, the petitioner has to work out his rights elsewhere. Article 226 of the Constitution is not a remedy. Leaving open the rights of the writ petitioner, this writ petition stands dismissed. I make it clear that the period spent in prosecuting the writ petition will be excluded if limitation is raised against the writ petitioner. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2022

Index : Yes / No

Internet : Yes/ No

PMU



WEB COPY



To:

1. The Registrar,
Senate of Serampore College,
(Deemed University),
Mac House Complex,
No.8, William Kere Road,
Serampore – 712 201,
West Bengal.
2. The Chairperson,
Governing Council,
The Tamil Nadu Theological Seminary College,
No.32-C, Bharathidasan Road,
Arasaradi,
Madurai – 625 016.



WEB COPY



5

W.P.(MD)NO.6856 OF 2020

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.6856 of 2022

16.11.2022