



WEB COPY



WP.No.11825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11825 of 2023
and WMP. Nos.11730 and 11731 of 2023

1. S.Jayakumar

2. M.Baskaran

.. Petitioners

Vs.

1. The Commissioner
School Education,
College Road, Chennai 6.

2. The Director of Elementary Education,
College Road, Chennai 6.

3. The Joint Director of School Education,
(Higher Secondary), College Road,
Chennai 6.

4. The Joint Director of School Education,
(Secondary), College Road,
Chennai 6.

5. The Chief Educational Officer,
College Road, Chennai 6.

6. The Chief Educational Officer
Vellore, Vellore District.



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7. The Chief Educational Officer,
Krishnagiri, Krishnagiri District.

8. The Secretary/General Treasurer
Mr.S.K.Stalin,
No.47 Eldams Road,
Teynampet, Chennai.

9. D.Samchella Pandian
Member Church Council-IELC and Managing Committee,
Sanrorkuppam (Via) Ambur-635 802
Tiruppatur District.

10. Rev Immanuel Sabapathy
President,
Ambur Synod,
Mission Compound,
Ambur.

11. Immanuel Rajasekaran,
Secretary, Ambur Synod,
Mission Compound, Ambur.

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to 1 to 4 to take appropriate and necessary action on the complaint of the petitioner dated 14.02.2023, 27.02.2023 and followed with lawyer notice dated 9.3.2023 and thereby to conduct full-fledged Enquiry regarding the modus-operandi and manner in which the appointments of Correspondents were made by the 10th and 11th respondent to the institutions run by the Ambur Synod in violations of 1959 Constitution and Amended Bye-Law 2022 of IELC.



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For Petitioner : Mr. S.N.Ravichandran
For Respondents : Mr.E.Veda Bagathsingh, SGP

ORDER

WMP.No.11730 of 2023 has been filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. This writ petition has been filed seeking a direction to the respondents to 1 to 4 to take appropriate and necessary action on the complaint of the petitioner dated 14.02.2023, 27.02.2023 and followed with lawyer notice dated 9.3.2023 and thereby to conduct full-fledged Enquiry regarding the modus-operandi and manner in which the appointments of Correspondents were made by the 10th and 11th respondent to the institutions run by the Ambur Synod in violations of 1959 Constitution and Amended Bye-Law 2022 of IELC.

3. It is the case of the petitioners that the first petitioner is the member



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of Indian Evangelical Lutheran Church and the second respondent is duly elected executive committee member of Ambur Synod and Member of Property Standing Committee of Ambur Synod. In the Executive meeting which was conducted on 02.02.2023, no decision has taken to appointment of Correspondents. But the Executive Committee members, on 23.02.2023, issued orders to appoint 13 members as Correspondents. In this regard, the petitioners made a complaint on 14.02.2023 regarding violations of constitution and amended Bye-laws 2021 against the arbitrary and illegal appointments of correspondents by the 10 and 11 respondents. However, the said complaint is not considered so far. Hence, the present writ petition.

4. The learned counsel for the petitioners submitted that this Court may direct the respondents 5 to 7 to conduct enquiry on the petitioner's representation and pass appropriate orders within the reasonable time as fixed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record. Since no adverse orders are passed against the respondents 8 to 11 and hence, notice to the respondents 8 to 11 is



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dispensed with.

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6. Considering the facts and circumstance of the case and in view of the limited request made by the petitioners, this Court directs the respondents 5 to 7 to consider the petitioners complaint and conduct enquiry with regard to the appointment of the correspondents, after providing opportunity to the petitioners as well as the private respondents, on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

18.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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