



WEB COPY



WP.No.20021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.20021 of 2023
and W.M.P.No.19376 of 2023

R.Angeline Jebarani

.. Petitioner

Versus

1.The Chief Educational Officer
Thiruvallur
Thiruvallur District

2.The District Educational Officer
Thiruvallur
Thiruvallur District

3.The Hon'ble Administrator/Chairman
Secondary Education Board, TELC
Tranquebar House
Trichy – 620 001

4.The Correspondent
TELC Kabis Government
Aided Minority High Secondary School
Paqndur, Tiruvallur District

4.The Head Master
TELC Kabis Government
Aided Minority High Secondary School
Paqndur, Tiruvallur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the first & second respondent



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to approve the appointment of the petitioner as B.T.Assistant with effect from the date of initial appointment and give all the consequential benefits by receiving the proposal from the 4th and 5th respondents.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.S.Arumugham for R1 & R2
Government Advocate

ORDER

This Writ Petition has been filed seeking to direct the respondents 1 & 2 to approve the appointment of the petitioner as B.T. Assistant with effect from the date of initial appointment and give all the consequential benefits by receiving the proposal from the 4th and 5th respondents.

2. It is the contention of the writ petitioner that she was appointed as B.T.Assistant by the third respondent to the fourth and fifth respondent School on 01.07.2002. Thereafter, she has not been allowed to work with the fourth respondent School. The fourth respondent is an aided minority higher secondary school and there has been two groups in the management of the fourth respondent school. Pursuant to the order passed by the High Court, till date there has been no approved management, as the issue with regard to the dispute for the Management has not been concluded by the Civil Court.

Therefore, it is her grievance that the respondents 4 & 5 did not submit the



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proposal along with the relevant records with regard to her appointment as watchman to the respondents 1 and 2. Hence, a direction is sought in the writ petition to approve her appointment.

3. It is the stand of the fourth respondent that the previous Bishop of TELC Rt. Rev D.Daniel Jeyaraj was the head of all the TELC Educational Institutions and as per Church Rule 161(c) the Bishop shall retire on 05.03.2020 after he has completed 65 years of age or 10 years of service as Bishop whichever is earlier. The previous Bishop can continue even as per the rules only upto 14.01.2021, but, he made appointment on 27.11.2021 i.e., after his retirement in which one D.Wilfred Daniel was appointed as Chairman of Secondary Education. However, the Church Council of TELC appointed one Mr.R.Benjamin Jeyaraj who is the member of the Church Council as the Chairman of Secondary Education. The illegal action of the Bishop was challenged in the District Court, Trichy and the Hon'ble High Court, Madurai Bench of the Madras High Court in CMA.(MD).No.619 of 2021 held that the Bishop retired on 14.01.2021 after extension and he could act only with the approval of the Church Council which is the elected body has a period till 10.09.2022. Aggrieved by the same, the previous Bishop filed SLP(C).No.2299/2022 before the Hon'ble Supreme Court and the SLP was



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dismissed on 25.02.2022. As the previous Bishop continued with his illegal activities, the lay secretary and the Church Council filed Contempt Petition (MD).No.1806 & 1897 of 2021 and the previous Bishop others were punished for contempt of court by ordering the pay a fine of Rs.2000/- as cost and Contempt Appeal (MD).No.3 to 10 of 2022 were filed against the Contempt Petitioner, the Division Bench of the Madurai Bench of the Madras High Court upheld the order of the single judge and appointed the Administrator to administer the educational institutions in which the fourth respondent school is one of them, by Order dated 08.08.2022. Thus, it is evident that the action of the previous Bishop proves that the appointment was not competent and without jurisdiction as his appointment as Chairman Secondary Education Board itself is illegal, since, it was made after the retirement date of the previous Bishop.

4. Heard both sides and perused the entire materials placed on record.

5. As there was a dispute between two groups, the same has been the subject matter in A.S.(MD).No.18/2021. This Court passed a detailed judgment on 19.03.2021, wherein, it was held that the appointment made in respect of the petitioner and others are not valid. Challenging said judgment, a



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Special Leave Petition was also filed before the Hon'ble Apex Court in SLP.No.2299/2022 and the same is also dismissed by Order dated 25.02.2022.

Therefore, the very appointment of the petitioner and others held not to be valid in the judgment in A.S.(MD).No.18/2021. Such view of the matter, seeking directions to approve the said appointment cannot be granted.

6. Accordingly, I do not find any merits in this case and this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed.

No costs.

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dhk

Index: Yes/No

Internet: Yes/No

To

1.The Chief Educational Officer
Thiruvallur
Thiruvallur District

2.The District Educational Officer
Thiruvallur
Thiruvallur District



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N.SATHISH KUMAR, J.

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