



W.P.(MD)No.8709 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8709 of 2020

and

W.M.P.(MD)Nos.8025 & 8026 of 2020

N.Sutherson

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Nungambakkam,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Officer of the Chief Educational Officer,
Tirunelveli.
- 3.The District Educational Officer,
Valliyur Educational District,
Tirunelveli – 1
- 4.Hon'ble Justice D.Hariparanthaman (Retd).
The Hon'ble Administrator,
India Evangelical Lutheran Church,
47/Eldoms Road,
Teynampettai, Chennai – 600 018.



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5.The Headmaster,
Concordia Higher Secondary School,
Vallioor,
Tirunelveli District.

6.The Correspondent,
Concordia Higher Secondary School,
Vallioor,
Tirunelveli District.

7.T.John Baslin
now working at Physical Education Teacher
Concordia Higher Secondary School,
Vallioor,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the 4th respondent dated 17.06.2020 and to quash the same and consequently direct the 3rd respondent to approve the petitioner's appointment dated 06.03.2018.

For Petitioner	:	M/s.M.R.Sreenivasan
For R1 to R3	:	Mr.S.Saji Bino Special Government Pleader
For R4	:	Mr.C.Venkatesh Kumar
For R6 and R7	:	No appearance



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ORDER

This writ petition has been filed challenging the impugned order passed by the 4th respondent dated 17.06.2020 and to quash the same and consequently direct the 3rd respondent to approve the petitioner's appointment dated 06.03.2018.

2. The case of the petitioner is that he was appointed as Physical Education Teacher at Concordia Higher Secondary School, Valliyoor on 06.03.2018, by the Correspondent of the School. However, suppressing the same, the 6th respondent has granted an illegal appointment order dated 16.04.2018 to the 7th respondent and allowed him to join in the above said post. The fourth respondent has approved the appointment of the 7th respondent on 17.06.2020. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the 7th respondent was appointed by one Mr.P.Manuel Yesuraj, based on



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the decision of the Executive Committee of the Nagercoil Synod held on 16.04.2018 and he is not the Correspondent at the relevant point of time.

Whereas, the petitioner was appointed by one Rev.Y.Suvisesha Muthu on 06.03.2018. The said Rev.Y.Suvisesha Muthu is the Correspondent of the said School. But, without considering the appointment order issued in favour of the petitioner and without providing any opportunity to him, the Hon'ble Administrator approved the appointment of the 7th respondent, which is not sustainable one and the same is liable to be interfered with. He would further submit that the 7th respondent did not acquire any qualification and without any qualification, he was appointed as Physical Education Teacher.

4. The first respondent has filed a counter stating that the 6th respondent School is a religious minority School administered by the India Evangelical Lutheran Church, a Society registered under the Societies Registration Act, 1860. There was no post of President in the bye laws of the original Society, but the President was elected. The Society split into two groups in the year 2013 and each claiming the administration of the



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IELC and elections were held by two groups and thus resulted in dual administration affecting the interest of IELC. In the year 2017, two elections were took place and consequently, this Court appointed the Administrator in an order dated 31.07.2018 in Tr.C.S.No.741 of 2017 and A.No.1695 of 2018. The Administrator assumed charge on 07.09.2018. The Administrator was directed to decide on the approval of the appointments, in all the cases and the departmental authorities were directed to take necessary action for approving the appointments after getting the view of the Administrator. In the present case, the petitioner has no *locus standi* to file this writ petition as he is no way connected with the Department as he is not an approved teacher. He can neither raise any prayer nor challenge any orders of the Departmental authorities. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.



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6. On perusal of the records, it is seen that the petitioner claimed that he was appointed as Physical Education Teacher at Concordia Higher Secondary School, Valliyoor on 06.03.2018, by the Correspondent of the School. Whereas, the 7th respondent was appointed as Physical Education Teacher by one Mr.P.Manuel Yesuraj, who is the then Correspondent, based on the decision of the Executive Committee of the Nagercoil Synod held on 16.04.2018. This Court specifically posed a question whether his appointment was approved by the Executive Committee and except the letter of appointment, no document was produced before this Court for his appointment was approved by the Executive Committee. However, a perusal of the counter affidavit reveals that the sixth respondent School is a religious minority School administered by the India Evangelical Lutheran Church, a Society registered under the Societies Registration Act, 1860. Moreover, the Society split into two groups in the year 2013 and each claiming the administration of IELC and elections were held by two groups and thus resulted in dual administration affecting the interest of IELC. Again, in the year 2017, two elections took place and thereafter, this Court



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appointed the Administrator by an order dated 31.07.2018 in Tr.C.S.No.741 of 2017 and A.No.1695 of 2018. Accordingly, the Administrator assumed charge on 07.09.2018. In the present case, the petitioner did not produce any document for his appointment was approved by the Executive Committee. In the absence of any document, the prayer sought for in this writ petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

05.01.2023

akv

To

- 1.The Director of School Education,
College Road,
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- 2.The Chief Educational Officer,
Officer of the Chief Educational Officer,
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M.DHANDAPANI,J.

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