



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.16365 of 2023

and

WMP(MD)No.13698 of 2023

S.Gnanathiraviyam
S/o. Swamiadian Chelladurai,
The Correspondent,
St.Johns Higher Secondary School,
Palayamkottai.

... Petitioner

Vs.

1. The Chief Education Officer,
Tirunelveli District,
Tirunelveli.
2. The District Education Officer,
Tirunelveli District,
Tirunelveli.
3. Rt.Rev.ARGST Barnabas,
the Bishop, Diocese of Tirunelveli,
No.16, North High Ground Road,
Palayamkottai, Tirunelveli - 627 002.
4. Rev.JIE.Sutherson, Manager,
TDTA Higher Secondary School,
Special Schools & Teacher Training Institutes,
Diocesan Office, Palayamkottai,
Tirunelveli - 627 002.



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5. C.Manohar Thangaraj,
The Treasurer, TDTA,
No.5, Punitha Vadhiyar Street,
Palayamkottai, Tirunelveli - 627 002.

6. D.Jeyasingh,
The Lay Secretary,
Diocese of Tirunelveli,
Palayamkottai, Tirunelveli - 627 002.

7. Arul Manickam

8. The Administrators
(Appointed by the High Court, Madurai Bench)
The Diocese of Tirunelveli,
Palayamkottai - 627 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 & 2 to reject the communications of the fourth respondent dated 22.06.2023 purportedly relieving the petitioner and appointing the seventh respondent in the place of the petitioner as Correspondent of St.John's Higher Secondary School, Palayamkottai, in consideration of the respondent of the petitioner dated 24.06.2023.

For Petitioner	: Mr.S.N.Kirubanandam for Mr.G.Prabhu Rajadurai
For R1 & R2	: Mr.N.Ramesh Arumugam, Govt. Advocate
For R3	: Mr.V.Ragavachari, Senior Counsel for Mr.P.P.Alwin Balan
For R4	: Mr.V.Ragavachari, Senior Counsel for Mr.Kingsly Soloman
For R6	: Mr.Sriram, Senior Counsel for M/s.T.Sarala
For R7	: Mr.S.P.Yuvaraj



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ORDER

The relief sought in this writ petition is to issue a mandamus directing the respondents 1 & 2 to consider the petitioner's representation dated 24.06.2023 and reject the communication of the fourth respondent dated 22.06.2023 purportedly relieving the petitioner and appointing the 7th respondent as Correspondent of St. John's Higher Secondary School, Palayamkottai.

2. The brief facts of the case would run thus:

2.1. The Tirunelveli Diocesan Trust Association (TDTA) has established several schools, colleges and other welfare institutions all around Tirunelveli and Tenkasi Districts; and St. John's Higher Secondary School is one such institutions and the same is a Government aided minority school, governed under the provisions of the Tamil Nadu Private Schools Regulations Act. The said school is administered by the Correspondent.

2.2. It is stated that in the meeting held on 14.06.2021, the Standing Committee by its resolution, recommended several persons to be appointed as Correspondent of various schools run by the Tirunelveli



Diocese. Accordingly, the petitioner was appointed as Correspondent of St. John's Higher Secondary School, Palayamkottai with effect from 16.06.2021 and the same was also duly approved by the respondents 1 and 2.

2.3. While so, in view of the conflict simmering between the Bishop at one side and the elected body of the lay persons on the other side with regard to the administration of the Diocese and that, in order to discuss the same, the petitioner convened a meeting of Correspondents of the institutions of the Diocese. The third respondent Bishop misunderstood the same and instigated the fourth respondent to send a notice on 03.06.2023 stating that the petitioner has no right to convene such meeting.

2.4. On 05.06.2023, the petitioner received a communication from the fourth respondent requesting him to affix his signature in the purported minutes of the standing committee meeting held on 30.05.2023, regarding deployment, transfers and promotions of staff, both teaching and non-teaching working in the schools run by the Diocese. Aggrieved by the same, the petitioner sent a representation dated 05.06.2023 to the respondents 1 and 2 not to approve any such unilateral action taken by the fourth respondent.



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2.5. On being frustrated and infuriated over the same, the fourth respondent by communication dated 22.06.2023 relieved the petitioner from the office of the correspondent with effect from 23.06.2023 and appointing the seventh respondent in his place and also sent a copy of the same to the respondents 1 and 2 for approval.

2.6. Stating that the fourth respondent has no right to act independently in the appointment or removal of correspondent, but only on the recommendation of the standing committee; there is no resolution passed in this regard; and hence, the said communication has no legal effect, the petitioner has sent a representation dated 24.06.2023 through his advocate, to the respondents 1 and 2, not to act upon the said communication dated 22.06.2023.

2.7. Finding no response on the said representation, the petitioner is before this court with the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner was appointed as the Correspondent of St. John's Higher Secondary School, Palayamkottai with effect from 16.06.2021, which was approved by the Educational authorities. Thereafter, the standing committee by its resolution dated 11.06.2022, directed the fourth



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respondent to extend the tenure of the existing Correspondent of all the institutions until further orders. Accordingly, the tenure was extended and the same was intimated to the authorities by communication dated 13.06.2022. Thus, the petitioner is acting as a correspondent of the school, till date. The learned counsel further submitted that while so, contrary to the Constitution of the Diocese of Tirunelveli, the fourth respondent at the instigation of the third respondent, sought to effect various appointments, promotions and transfers of the teaching and non-teaching staffs, which cannot be done on his own, but that shall be only on the recommendation of the standing committee. When the petitioner raised objection for the same, the fourth respondent by communication dated 22.06.2023 intimated to the Educational authorities that the petitioner was relieved from the post of Correspondent of the school. According to the learned counsel, the said communication has no legal effect, as there was no resolution for appointment or removal of the correspondent. Therefore, the learned counsel sought appropriate direction to the respondents to protect the interest of the petitioner.

4. On the other hand, Mr. V. Ragavachari, learned senior counsel for the respondents 3 and 4, at the outset, submitted that the writ petition is not maintainable. Adding further, he submitted that the petitioner was not



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appointed on the recommendation of the standing committee and there was no resolution to that effect. However, he sent a communication to the Educational authorities seeking approval of his appointment. The learned senior counsel further submitted that the tenure of the office of Correspondent is only one year and not three years and that, the same was not extended to three years, as alleged. It is also submitted that by resolution dated 11.06.2022, appointments were made by the fourth respondent on the recommendations of the standing committee and the same was aware by the petitioner. Hence, the relief sought in this writ petition cannot be maintainable and is liable to be dismissed.

5.Mr.Sriram, learned senior counsel appearing for the Lay Secretary submitted that no resolution was passed without the representation of the petitioner and that, the petitioner duly sent his reply to the communication received from the Secretary of the diocese.

6.This court also heard the counsel appearing for the other respondents and perused the materials available on record.



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7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for all the parties, this court, without expressing any opinion on the merits of the case, directs the respondents / educational authorities to consider the petitioner's representation dated 24.06.2023 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to all the parties, so as to furnish the required materials, if any. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, all the parties are directed to maintain *status quo* as on date.

8. With the above direction, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

20.07.2023

Index : Yes/No
Internet : Yes/No
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To

1. The Chief Education Officer,
Tirunelveli District,
Tirunelveli.



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2. The District Education Officer,
Tirunelveli District,
Tirunelveli.

3. The Administrators
(Appointed by the High Court, Madurai Bench)
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R.MAHADEVAN, J.

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