



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.16366 of 2023

and

WMP(MD)No.13701 of 2023

M.Alfred
S/o. Manikam
The Correspondent,
Mary Sargent Girl's 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.



WEB COPY

5. S.Gnanathiraviyam
S/o.Swamiadian Chelladurai
Secretary
Standing Committee on Higher Education,
Diocese of Tirunelveli
Palayamkottai 627 002
6. C.Manohar Thangaraj,
The Treasurer, TDTA,
No.5, Punitha Vadhiyar Street,
Palayamkottai, Tirunelveli - 627 002.
7. D.Jeyasingh,
The Lay Secretary,
Diocese of Tirunelveli,
Palayamkottai, Tirunelveli - 627 002.
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 fourth respondent in the place of the petitioner as Correspondent of Mary Sargent Girl's Higher Secondary School, Palayamkottai.

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 R7

: Mr.Sriram, Senior Counsel
for M/s.T.Sarala

WEB COPY

ORDER

The relief sought in this writ petition is to issue a mandamus directing the respondents 1 & 2 to reject the communication of the third and fourth respondents dated 22.06.2023 purportedly relieving the petitioner and appointing the 4th respondent as Correspondent of Mary Sargent Girl'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 Mary Sargent Girl's Higher Secondary School is one such institution 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



WEB COPY

Mary Sargent Girl's Higher Secondary School, Palayamkottai with effect from 16.06.2021 and the same was also duly approved by the second respondent on 22.06.2021. Thereafter, on 13.06.2022, the fourth respondent on the recommendation of the standing committee, extended the tenure of the petitioner as Correspondent until further orders.

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 Secretary 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 fifth respondent has no right to convene such meeting.

2.4. On 05.06.2023, the fifth respondent 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 fifth respondent 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.

WEB COPY

2.5. On being frustrated and infuriated over the act of the fifth respondent, the fourth respondent by communication dated 21.06.2023 relieved the petitioner from the office of the correspondent with effect from 21.06.2023 and appointing the fourth 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 dated 21.06.2023 has no legal effect, the petitioner has sent a representation dated 23.06.2023 to the respondents 1 and 2, not to act upon the said communication dated 21.06.2023.

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 Mary Sargent Girl's Higher Secondary School, Palayamkottai, with effect from 16.06.2021, which was approved by the Educational authorities. Thereafter, the



WEB COPY

standing committee by its resolution dated 11.06.2022, directed the fourth 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. While so, without passing any resolution, by communication dated 21.06.2023, it was informed that the petitioner was relieved from the post of Correspondent of the school and hence, the same has no legal effect. 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 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 duly intimated to 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.

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

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 23.06.2023 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
av

To

1. The Chief Education Officer,
Tirunelveli District,
Tirunelveli.
2. The District Education Officer,
Tirunelveli District,
Tirunelveli.
3. The Administrators
(Appointed by the High Court, Madurai Bench)
The Diocese of Tirunelveli,
Palayamkottai - 627 002.

R.MAHADEVAN, J.

av



WEB COPY



WP(MD)No.16366 of 2023
and
WMP(MD)No.13701 of 2023

20.07.2023