



WP(MD)No.229 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Friday, the Thirteenth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.SUNDAR
and
The Hon`ble Mr.Justice R. SAKTHIVEL

WMP(MD) Nos.20677, 20648, 20671 and 20678 of 2023
IN
WP(MD)No.229 of 2021

1 RAJKUMAR A.J

2 J.SAMU SOLOMON

3 MATHEW JOEL.J

4 S.RANJITH PRABU

5 M.PRAVIN PAULSON THILAGAR

6 T.JOHN RAJESH

7 E.ESRAVEL

8 R.F.JOEL RAJAKUMAR

9 A.JAWAHAR SATHIYA SAKSHI ... PETITIONERS/PROPOSED RESPONDENTS
IN WMP(MD). 20677/ 2023



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THE TAMIL EVANGELICAL LUTHERAN CHURCH (TELC),
REP. BY ITS SECRETARY A.MEHAR ANTONY,
HAVING OFFICE AT POST BOX NO.86, TELC,
CENTRAL OFFICE,
TRANQUEBAR HOUSE,
MELAPUTHUR,
TIRUCHIRAPPALLI -I.

... IMPEADING PETITIONER/
PROPOSED 7th RESPONDENT
IN WMP(MD). 20648/ 2023

WILLIAM .M

... PETITIONER/PROPOSED RESPONDENT
IN WMP(MD). 20671/ 2023

1. JAGARAJ SOLOMAN.A
2. RUBAN VASANTHA KUMAR.M
3. MOSES VIJAYARAJ.J
4. TITUS ISREAL.S
5. CHARLES PRABHAKARAN.D

... PETITIONERS/PROPOSED RESPONDENTS 7 TO 12
IN WMP(MD). 20678/ 2023

Vs

1 A.IYYATHURAI

... 1st RESPONDENT/WRIT PETITIONER
in ALL THE PETITIONS

2 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT
(SCHOOL EDUCATION AND ELEMENTARY EDUCATION DEPARTMENT)
FORT ST.GEORGE CHENNAI-600 009

3 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT
(HIGHER EDUCATION DEPARTMENT),
FORT ST.GEORGE
CHENNAI-600 009



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4 THE DIRECTOR OF COLLEGE EDUCATION,
E.V.K.SAMPATH BUILDING 9TH FLOOR
CHENNAI-6

5 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6

6 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-6

7 THE TAMIL EVANGELICAL LUTHERAN CHURCH,
REP. BY ITS THE BISHOP TRANQUEBAR
HOUSE TRICHIRAPALLI-8
TRICHY DISTRICT.

... RESPONDENT 2 to 7/RESPONDENT 1 TO 7
in WMP(MD)No.20677, 20648 & 20671 of 2023

... RESPONDENTS/RESPONDENTS 1 TO 6
in WMP(MD)No.20678 of 2023

8 THE TAMIL EVANGELICAL LUTHERAN CHURCH (TELC),
REP. BY ITS SECRETARY A.MEHAR ANTONY,
HAVING OFFICE AT POST BOX NO.86, TELC,
CENTRAL OFFICE,
TRANQUEBAR HOUSE,
MELAPUTHUR, TIRUCHIRAPPALLI - 1.

... PROPOSED RESPONDENT
in WMP(MD)No.20677 of 2023

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the interim order granted by this Honble Court in W.P.(MD) No.229 of 2021 and WMP(MD).No. 188 of 2021 dated 30.07.2021 and dismiss the writ petition.

Prayer in WMP(MD). 20648/ 2023 :

To vacate the interim order dated 30.07.2021 granted by this Honble Court in W.M.P.(MD).No. 188 of 2021 in W.P(MD) No. 229 of 2021.



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Prayer in WMP(MD). 20671/ 2023 :

To vacate the interim injunction granted in W.M.P.(MD).No.188 of 2021 in W.P. (MD).No.229 of 2021 on 30.07.2021.

Prayer in WMP(MD). 20678/ 2023 :

To Vacate the order of Interim Injunction granted on 30.07.2021 in W.M.P. (MD).No.188 of 2021 in W.P.(MD) No. 229 of 2021.

in WP(MD) No.229 of 2021:

A.IYYATHURAI

... PETITIONER

Vs

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT,
(SCHOOL EDUCATION AND ELEMENTARY EDUCATION DEPARTMENT)
FORT ST.GEORGE, CHENNAI-600 009

2 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT,
(HIGHER EDUCATION DEPARTMENT),
FORT ST.GEORGE, CHENNAI-600 009

3 THE DIRECTOR OF COLLEGE EDUCATION,
E.V.K.SAMPATH BUILDING,
9TH FLOOR, CHENNAI-6

4 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6

5 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-6

6 THE TAMIL EVANGELICAL LUTHERAN CHURCH,
REP. BY ITS THE BISHOP
TRANQUEBAR HOUSE, TRICHIRAPALLI-8,
TRICHY DISTRICT.

... RESPONDENTS



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7 THE TAMIL EVANGELICAL LUTHERAN CHURCH (TELC),
REP. BY ITS SECRETARY,
A.MEHAR ANTONY,
HAVING OFFICE AT POST BOX NO.86, TELC, CENTRAL OFFICE,
TRANQUEBAR HOUSE, MELAPUTHUR,
TIRUCHIRAPPALLI-1.

(R7 IS IMPEADED VIDE COURT ORDER DATED
20.10.2022 IN WMP(MD).16943/2022 IN WP(MD).
229/2021)

8 J.PRABHAKAR JAYARAJ,

(R8 IS IMPEADED VIDE COURT ORDER DATED
20.10.2022 IN WMP(MD).17555/2022 IN WP(MD).
229/2021)

9 M.WILLIAM

(R9 IS IMPEADED VIDE COURT ORDER DATED
20.10.2022 IN WMP(MD).18063/2022 IN WP(MD).
229/2021)

10 A.JAGARAJ SOLOMAN

11 M.RUBAN VASANTHA KUMAR,

12 J.MOSES VIJAYARAJ,

13 S.TITUS ISREL,

14 D.CHARLES PRABHAKARAN

(R10 TO R14 ARE IMPEADED VIDE COURT ORDER
DATED 20.10.2022 IN WMP(MD).18073/2022 IN WP
(MD).229/2021)



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15 A.J.RAJKUMAR,

16 J.SAMU SOLOMON,

17 J.MATHEW JOEL

18 S.RANJITH PRABU,

19 M.PRAVIN PAULSON THILAGAR,

20 T.JOHN RAJESH,

21 E.ESRAVEL,

22 R.F.JOEL RAJAKUMAR,

23 A.JAWAHAR SATHIYA SAKSHI,

... RESPONDENTS

(R15 TO R23 ARE IMPEADED VIDE COURT ORDER
DATED 20.10.2022 IN WMP(MD).18373/2022 IN WP
(MD).229/2021)

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ of Mandamus directing the Respondents 1 to 6 herein to issue guidelines to all their subordinates by forbearing the Government servants from participating in any of the election or religious activities of the 6th respondent herein as per Rule 14 A of the Tamilnadu Government Servants Conduct Rules and take appropriate disciplinary action against the Government servants who are all violating the Rule 14 A of the Tamil Nadu Government Servant conduct Rules 1973.

COMMON ORDER : These Writ Miscellaneous petitions and Writ Petition coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of



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in WMP(MD)Nos.20677,20468,20671 and 20678 of 2023:

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For petitioner(s)

: Mr.V.PANNEER SELVAM, Advocate
(in WMP(MD).20677/2023)

Mr.R.SELVAM, Advocate
(in WMP(MD).20648/2023)

Mr.B.SARAVANAN, Senior Advocate
for Mr.D.KIRUBAKARAN, Advocate
(in WMP(MD).20671/2023)

Mr.B.SARAVANAN, Senior Advocate
for Mr.D.KIRUBAKARAN, Advocate
(in WMP(MD).20678/2023)

For Respondent No.1

:Mr.T.PON RAMKUMAR, Advocate
(in all the WMP's)

For Respondent Nos.2 to 6

:Mr.M.SENTHIL AYYANAR,
Government Advocate
(in all the WMP's)

For Respondent No. 7

:Mr.C.LAWRENCE, Advocate for
Mr.P.ARUN JAYAT RAM, Advocate
(in all the WMP's & for the 8th Respondent
in WMP(MD).20677/2023)

in WP(MD)No.229 of 2021:

For petitioner

: M/S.T.PON RAMKUMAR, Advocate

For respondent Nos.1 to 5

: Mr.M.SENTHIL AYYANAR,
Government Advocate

For respondent Nos. 6 & 7

: Mr.C.LAWRENCE, Advocate

For respondent Nos.9 to 14

: Mr.B.SARAVANAN, Senior counsel

For respondent Nos.15 to 23

: Mr.V.PANNEER SELVAM, Advocate

the Court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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[Order of this Court was made by M.SUNDAR, J.]

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This order will now govern the captioned 'four Writ Miscellaneous Petitions' [hereinafter 'WMPs' in plural and 'WMP' in singular for the sake of convenience and clarity].

2. Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity, convenience and clarity] has been filed as a 'Public Interest Litigation' [PIL] in January 2021 with a prayer seeking a directive that Government Servants should not participate in election or religious activities of 6th respondent i.e., 'The Tamil Evangelical Lutheran Church' [hereinafter 'TELC' for the sake of brevity, convenience and clarity].

3. In the captioned WP, an interim order was made by Hon'ble Predecessor Coordinate Bench on 30.07.2021 and the same reads as follows: [interim order in WMP(MD)No.188 of 2021]

'K.KALYANASUNDARAM, J.

AND

B.PUGALENDHI, J.

The petitioner is the Member of Tamil Evangelical Lutheran Church (TELC) and he has filed this writ petition for issuance of a



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Writ of Mandamus, directing the respondents 1 to 6 to issue guidelines to all the subordinates by forbearing the Government servants from participating in any of the election or religious activities of the sixth respondent, as per Rule 14 - A of the Tamil Nadu Government Servants Conduct Rules and take appropriate disciplinary action against the Government servants, who are all violating the Rule 14 - A of the Tamil Nadu Government Servant Conduct Rules, 1973.

2. By referring to Rule 14 - A of the said Rules, Mr.T.Pon Ramkumar, learned counsel appearing for the petitioner has pointed out that most of the Government servants, who are receiving the Government salary under the Aided Schools, are participating in the elections and they are making their undue advantages in the elections. However, the Administrators are permitting them to participate in the election and he has also relied on the judgments of the Division Bench of this Court in W.P.(MD).No.10132 of 2015, dated 04.11.2019 and W.P.(MD).No.18943 of 2020, dated 22.12.2020.

3. Rule 14 - A of the Tamil Nadu Government Servants Conduct Rules prohibits the membership of any communal



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organisation, etc., as a code of conduct for the Government servants.

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Following the Rule 14 – A, the Division Bench of this Court has taken a decision in the above said writ petitions.

4. Mr.R.Baskaran, learned counsel appearing for the sixth respondent sought time stating that he has engaged the senior counsel for assisting him in the matter and the contesting respondents have also sought time.

5. The petitioner has also filed an application for ad-interim injunction restraining the Government servants, who are all working under the sixth respondent Management from participating in any of the election or religious activities of the sixth respondent, pending disposal of the writ petition.

6. Since the petitioner has made out a prima facie case, there shall be an order of interim injunction as prayed for.

7. Post the matter after four weeks.'

4. Thereafter, on 20.10.2022, another Hon'ble Coordinate Bench modified the interim order and this 20.10.2022 order reads as follows:



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Heard Mr.T.Pon Ramkumar, learned counsel for the petitioner;
Mr.J.Ashok, learned Additional Government Pleader for the
respondents 1 to 5; Mr.B.Saravanan, learned counsel for the
respondents 1 to 5 and Mr.R.Baskaran, learned counsel for the sixth
respondent.

2. Earlier, this Court, vide order dated 30.07.2021, has passed an
order of interim injunction restraining the Government servants who
are all working under the sixth respondent – the Tamil Evangelical
Lutheran Church management from participating in any of the election
or religious activities of the sixth respondent, pending disposal of this
writ petition.

3. Today, after hearing the submissions of the learned counsels
for the parties at length, as an interim arrangement, we modify the
earlier interim order to the extent that all the eligible members of the
sixth respondent may only cast their respective votes in the ensuing



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election of the sixth respondent.

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4. List the matter after three weeks.'

5. We find that the modified interim order has been operating for nearly one year now.

6. In the above circumstances, captioned WMPs have been listed and from the case file, we find that captioned WMPs have been filed in September / October of 2022 and the dates of filing of the captioned four WMPs are as follows:

- (i) WMP(MD)No.20677 of 2023 filed on 18.10.2022;
- (ii) WMP(MD)No.20648 of 2023 filed on 07.09.2022;
- (iii) WMP(MD)No.20671 of 2023 filed on 17.10.2022;
- (iv) WMP(MD)No.20678 of 2023 filed on 17.10.2022;

7. It is also to be noted that petitioners in the vacate stay petitions were impleaded on 20.12.2022 itself.

8. The trigger for the listing appears to be notification of election by TELC but that was also notified on 09.09.2023 itself and this Court is informed that this is election for Pastoral Council Committee. This Court is informed that the election is held in a phased manner, one phase has already been held on 08.10.2023 and another phase is scheduled to be held day after tomorrow i.e., 15.10.2023.

9. In the light of the narrative thus far, we find that it would only be



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appropriate to record the submission of learned counsel for 6th respondent Mr.C.Lawrence [to be noted 6th respondent TELC] that the elections are subject to the outcome of the writ petition.

10. It is open to TELC to consider renotifying the remaining phases of election, if so desired and so advised but we refrain from expressing any opinion on this.

11. Captioned WMPs are disposed of as closed albeit preserving the rights of the petitioners to come out with similar prayer if there are any / further developments warranting a prayer for vacating interim orders.

sd/-
13/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BALA

TO

1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU
(SCHOOL EDUCATION AND ELEMENTARY EDUCATION DEPARTMENT)
FORT ST.GEORGE, CHENNAI-600 009



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2 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU
(HIGHER EDUCATION DEPARTMENT),
FORT ST.GEORGE, CHENNAI-600 009

3 THE DIRECTOR OF COLLEGE EDUCATION,
E.V.K.SAMPATH BUILDING,
9TH FLOOR, CHENNAI-6

4 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6

5 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-6

ORDER
IN
WMP(MD) Nos.20677, 20648, 20671 and 20678 of 2023
IN
WP(MD)No.229 of 2021
Date :13/10/2023

SS/DD/SAR- /19/10/2023/14P/6C

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