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W.P.No.354 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.354 of 2021

M/s.Federation of CSITA Beneficiaries and
Stakeholders Associations
Rep. by its Vice President,
J.John Suthanthiranathan.

... Petitioner

Vs.

1. The Chief Secretary to Tamilnadu,
St. George Fort,
Chennai-600 009.
2. The Secretary to Government of Tamilnadu,
Department of Higher Education,
Chennai-600 009.
3. The Secretary to Government of Tamilnadu,
Department of School Education,
Chennai-600 009.
4. The Director of Collegiate Education,
EVK Sampath Building, Chennai-6.
5. The Director of School Education,
Chennai-600 006.
6. The Director of Elementary Education,
Chennai-600 006.
7. The General Secretary,



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Church of South India,
No.5, Whites Road, Royapetah,
Chennai-600 014.

8. The Secretary,
CSI Madras Diocese,
No.226, Cathedral Road,
Chennai-600 086.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take appropriate action against the Government Servants those who are all involving Church politics and holding the post of Diocesan Council under the control of 7th and 8th respondents by considering the representation dated 22.07.2020 and 25.08.2020.

For Petitioner : Mr.K.Dhananjayan

For Respondents 1 to 6 : Mr.Sanjay Gandhi
Government Advocate

For Respondents 7 & 8 : Mr.Adrian D.Rozario

ORDER

This writ petition has been filed for direction directing the respondents 1 to 6 to take appropriate action against the Government Servants those who are all involving Church politics and holding the post of Diocesan Council under the control of 7th and 8th respondents by considering the representation dated 22.07.2020 and 25.08.2020.



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2. The petitioner submitted representation dated 22.07.2020 and 25.08.2020 seeking proper action as against the Government Servants who are all involving Church politics and holding the post of Diocesan Council under the control of 7th and 8th respondents.

3. The learned counsel for the respondents 1 to 6 has relied upon the judgement of the Hon'ble Division Bench of this Court in ***W.P.(MD).No.10132 of 2015*** in the case of ***Julius Jawahar Devakandhan vs The Chief Secretary to Government of Tamilnadu and others***. The Hon'ble Division Bench passed interim order in the said writ petition dated 04.11.2019 in which the Hon'ble Division Bench held that the larger question that arises for consideration is that whether such teacher can do so, when she or he is paid salary from the Government. Prima-facie, this court is of the view that there will be a clear conflict of interest and hence, there will be an order restraining such of those persons holding teaching and non-teaching posts in any of the institution coming under the control of the Diocese of Madurai Ramnad, Church of South India (CSI) from contesting in the election for diocese posts and the interim order will operate till the official respondents file counter and the matter is heard and disposed of finally. However, finally the Hon'ble Division Bench of this Court dismissed the batch of writ petitions in W.P.(MD).No.10132 of 2015



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etc., cases by an order dated 29.10.2021.

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4. In view of the above, the petitioner is at liberty to submit fresh representation to the respondents 1 to 6 within a period of two weeks. On receipt of the same, in the light of the final order passed by the Hon'ble Division Bench of this Court in W.P.(MD).No.10132 of 2015 etc., batch cases dated 29.10.2021, the 3rd respondent is directed to consider the representation submitted by the petitioner after giving opportunity of hearing to the parties concerned and pass appropriate order on merits in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

05.06.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
gyn

To



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G.K.ILANTHIRAIYAN, J.
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