



W.P.No.22459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22459 of 2022

S.Raja

...Petitioner

-Vs-

1. The Joint Director,
Directorate of School Education,
DPI Complex,
College Road,
Chennai-600 006.
2. The District Collector,
Tirupathur District.
3. The District Education Officer,
Vaniyambadi,
Tirupathur District-635 752.
4. The Head Master,
Concordia Higher Secondary School,
Ambur,
Tirupathur District-635 802.
5. The Correspondent,
IELC Elementary School (Kasba-B),
Ambur,
Tirupathur District-635 802.
6. V.Shakindar
7. Emanuel Rajasekharan



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8. Bethlehem Lutheran Church,
represented by its Pastor,
Allankuppam,
Ambur Taluk,
Tirupathur District-635 814.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the third Respondent to initiate departmental action for violation of the conduct service Rules against Respondents 6 and 7 pursuant to the petitioner representation dated 03.03.2022.

For Petitioner : No appearance

For R1 to R5 : Mr.S.Arumugam
Government Advocate

For R6 and R7 : Mrs.Dakshayani Reddy, Senior Counsel
for Mr.B.Gopalkrishnan

ORDER

This writ petition has been filed for direction directing the third Respondent to initiate departmental action for violation of the conduct service Rules against Respondents 6 and 7, pursuant to the petitioner's representation dated 03.03.2022.

2. There is no representation on behalf of the petitioner. Heard the learned Government Advocate appearing for the respondents 1 to 5 and the learned Senior Counsel appearing for the respondents 6 and 7 and perused the materials available on record.



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3. The petitioner is a member of the Bethlehem Lutheran Church at Allankuppam Village, Ambur Taluk, Tirupathur District. The respondents 6 and 7 are also members of the said Church. The respondents 6 and 7 are working as Secondary Grade Teachers in Concodia Higher Secondary School, Ambur and Head Master of IELC Elementary School, Ambur, respectively. They are Government servants and receiving salary from the Government. Every year, the office bearers including President, Vice-President, Secretary and the Treasurer are elected by the members of the Church. The 6th and 7th respondents participated in the election and they were elected as Secretary and Treasurer respectively. Under Section 14 of Tamil Nadu Government Servant Conduct Rules 1973, no Government servant shall be a member or otherwise with any organization which promotes or attempts to promote on the ground of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, or hatred or ill-will between different religions, race, language or regional group. Therefore, the petitioner seeks to take action against the respondents 6 and 7.



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4. In similar matters, the Hon'ble Division Bench of this Court in ***W.P.(MD).Nos.10132 of 2015, 9860 of 2018 and 18943 of 2020, dated 29.10.2021***, held that as regards participation in purely religious activities, the freedom to profess and practice any religion is guaranteed under Article 25 of the Constitution of India. The Government servants while they are free to profess and practice any religion in their private lives, should conduct themselves in public as to leave no room for any impression to arise that they do not subscribe to the secular philosophy of the State. The Bethlehem Lutheran Church is having its own Rules, Regulations or By-Laws to govern the affairs and conduct of the teaching and non-teaching staffs employed in the schools which are functioning under the Diocese. Further, Rule 16(1) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, prescribes the code of conduct for Teachers and non-teaching staffs employed in private schools. As per Rule 8 of the said Rules, no teacher or other person employed in a private school shall contest or participate in or canvass for any elections. Such restriction will not, however, apply to the teachers in respect of elections to the Teachers' Constituencies. There is no provision dealing with the issue of the teaching and non-teaching staff contesting in an election and holding the posts in the Church. Therefore, there is no legal bar for the 6th and 7th



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respondents from becoming a member or contesting in the election of the Church of Diocese. That apart, many Government staffs or teaching and non-teaching can take part in the election for various posts in IELC.

5. That apart, the petitioner has no locus to seek direction to take appropriate action as against 6th and 7th respondents. If at all the 6th and 7th respondents involved in illegal activities or committed any misconduct, the third respondent is the competent authority to take appropriate action against them. Hence, the petitioner has no locus to maintain this writ petition.

6. Therefore, the direction sought for in this writ petition cannot be granted and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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