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W.P.(MD)NO.2211 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2211 of 2024 AND
W.M.P.(MD)Nos.2223 & 2225 of 2024

Rev.D.Soundarapandiyan,
S/o.Daniel,
Secretary / Correspondent,
Sarah Tucker College,
Palayamkottai,
Tirunelveli District.

... Petitioner

Vs.

1. The Correspondent,
Sarah Tucker College,
Palayamkottai,
Tirunelveli District.
2. The Director of College Education,
D.P.I.Compound,
College Road, Chennai.
3. The Regional Director of College Education,
Tirunelveli District, Tirunelveli.
4. Rev.Dr.ARGST, Barnabas,
Bishopstowe,
No.15, North High Ground Road,
Palayamkottai – 627 002, Tirunelveli District.
5. S.Gnanathiraviam,
Secretary,
Standing Committee on Higher Education,
St.John's College Boys Hostel Campus,
North High Ground Road,
Diocesan Office,
Palayamkottai – 627 002.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the fourth respondent in No.K3c(1/2024) dated 20.01.2024 and quash the same as illegal and consequently direct the respondents 1 to 3 to ensure the functioning of the petitioner as Correspondent of Sarah Tucker College, Perumalpuram, Tirunelveli as per the proceedings of the second respondent in Mu.Mu.No.38368/F4/2022 dated 18.11.2022.

For Petitioner : Mr.M.Mahaboob Athiff,
for Mr.K.Gnanasekaran.

For R-1 : Mr.V.Prabahar,
Senior counsel,
for Mr.N.Dilipkumar.

For R-2 & R-3 : Mr.M.Sarangan,
Additional Government Pleader.

For R-4 : Mr.P.P.Alwin Balan

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Senior counsel appearing for the first respondent and the learned Additional Government Pleader appearing for respondents 2 and 3 and the learned counsel appearing for the fourth respondent.



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2. The writ petitioner questions the impugned order whereby he has been relieved from his duties as Secretary / Correspondent of Sarah Tucker College, Palayamkottai, Tirunelveli with effect from 20.01.2024. A learned Judge of this Court vide order dated 02.02.2024 granted an order of interim injunction as well as interim stay. The fourth respondent has filed counter affidavit traversing the averments set out in the affidavit filed in support of the writ petition.

3. The learned counsel appearing for the writ petitioner submits that the impugned communication will have to be set aside for two reasons. He points out that removal could not have been made without recommendation from the Standing Committee of Higher Education. He adds that reliance has been placed on a non-existent resolution of the governing body. The first respondent as well as the fourth respondent have alleged that the petitioner's removal is warranted on account of his non-convening of the governing body of Sarah Tucker College. The petitioner's counsel would argue that since stigma cast on the petitioner, prior notice should have been issued to him. Since the impugned order has not been preceded by any prior notice, it is a clear violation of



principles of natural justice. It is for this reason, the petitioner wants this Court to interfere with the impugned order. It is further pointed out that the executive committee minutes said to have been drawn on 28.09.2023 is under challenge in another writ petition.

4. I am not persuaded by the said submission of the learned counsel appearing for the writ petitioner. As rightly pointed out by the learned Senior counsel appearing for the first respondent, as per the Constitution governing the Diocese of Tirunelveli, the Correspondent of an educational institution can be appointed only for a definite period which shall not exceed one year. In this case, the petitioner was appointed by the moderator on 23.11.2020. During the relevant time, the office of the Bishop of Tirunelveli Diocese was vacant and that is why the moderator had to make appointment. The moderator Commissary appointed the petitioner as Secretary / Correspondent of Sarah Tucker College for one more year or until further orders vide communication dated 01.11.2021. The standing committee on higher education had met on 11.06.2022 extended the petitioner's period and based on the said recommendation, the first respondent extended the petitioner's tenure with effect from 24.11.2022 until further orders. It is true that the



Director of Collegiate Education vide proceedings dated 18.11.2022 granted approval for appointment of the petitioner as Secretary/ Correspondent for the period from 24.11.2022 to 23.11.2024.

5. I must straightaway say that any appointment made by Tirunelveli Diocese cannot run counter to their own constitution. When the Diocese of Tirunelveli Constitution categorically stipulates that the tenure of Correspondent cannot exceed one year, I fail to understand as to how the department could have granted approval for a period of two years up to 23.11.2024. In fact the order passed by Rev.Bishop himself only states that the extension is with effect from 24.11.2022 until further orders. The proceedings of the department approving the petitioner's appointment goes beyond the communication issued by Rev.Bishop himself.

6. As per Rule 4(h) of Chapter VI of the Diocese of Tirunelveli Constitution, the petitioner's tenure as Secretary / Correspondent would have expired on 23.11.2023. Only if the Standing Committee of Higher Education had passed any fresh resolution extending the petitioner's tenure or appointing him afresh, the petitioner could have continued in



office after 23.11.2023. Admittedly no such resolution was passed. The petitioner's continuance in the office cannot be recognised. In fact Rev. Bishop need not have issued any formal letter relieving him from his duties as Secretary / Correspondent of Sarah Tucker College. It is also seen that one Mr.P.Samson Paulraj was appointed in the place of the petitioner as Secretary / Correspondent of Sarah Tucker College.

7. I consciously refrain from considering the merits of the executive committee minutes said to have been drawn on 28.09.2023. The interim order granted earlier stands vacated. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)NO.2211 OF 2024

To:

1. The Director of College Education,
D.P.I.Compound,
College Road, Chennai.
2. The Regional Director of College Education,
Tirunelveli District, Tirunelveli.



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G.R.SWAMINATHAN,J.

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