



W.P(MD)No.656 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.656 of 2019

Rasselraj

... Petitioner

Vs

- 1.The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Principal Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai, Kanyakumari District.
- 5.The District Educational Officer,
Thakkalai, Kanyakumari District.
- 6.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Nagercoil, Kanyakumari District.
- 7.The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Ranithottam-II, Nagercoil,
Kanyakumari District.
- 8.C.Premaraj
- 9.N.Sureshkumar



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10.T.Bright Singh Morris

11.A.Stanley

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to take action against the respondents 8 to 11 based on the petitioner's representation, dated 26.11.2018.

For Petitioner : Mr.V.Sasikumar

For RR 1 to 5 : Mr.V.Om Prakash
Government Advocate

For RR 8 to 11 : Mr.Ragatheesh Kumar
for M/s.Issac Chamber

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents 1 and 2 to take appropriate action as against the respondents 8 to 11 on the representation submitted by him dated 26.11.2018.

2.The petitioner is a member of Kirathoor CSI Sekara Sabai, Vilavankode Taluk, Kanyakumari District. On 21.10.2018, an election was conducted for the said Church, in which the respondents 8 to 11 were elected as Executive members. The respondents 8 to 10 are working in the Government aided School as Teachers and the respondent No.11 is working as a Conductor in the



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Tamil Nadu State Transport Corporation. As per annexure II, Rule 16(1)(8) of the Tamil Nadu Recognized Private School Regulation Rules, 1974, there is a prohibition for contesting or participating or canvassing for any elections. Therefore, the petitioner seeks appropriate action as against the respondents 8 to 10 herein. Insofar as respondent No.11 is concerned, he is working as a Conductor and he cannot hold two posts.

3.This issue has already been dealt with by 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***, wherein it is 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)



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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.

4.In view of the above, there is absolutely no legal impediment for the respondents 8 to 11 from declaring the executive members of the CSI Kirathoor Sekara Sabai, Vilavankode Taluk, Kanyakumari District. Therefore, the direction sought for in this Writ Petition cannot be considered and the Writ Petition is devoid of merits and is liable to be dismissed.

5.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

26.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

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26.11.2024