



WMP(MD) No.15384 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Second day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.15384 of 2024

IN

WP(MD) No.17949 of 2024

S.BYJU NIZETH PAAUL
SECRETARY,
THE KANYAKUMARI DIOCESE OF
CHURCH OF SOUTH INDIA,
NO.71-A, DENNIS STREET,
NAGERCOIL - 629 001.

... Petitioner / Petitioner

Vs

1 THE DIRECTOR OF COLLEGIATE EDUCATION,
COLLEGE ROAD,
CHENNAI - 600 006.

2 THE REGIONAL JOINT DIRECTOR OF
COLLEGIATE EDUCATION,
TIRUNELVELI REGION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 MANONMANIUM SUNDARANAR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.



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4 THE BISHOP - CHAIRMAN
THE EXECUTIVE COMMITTEE,
THE KANYAKUMARI DIOCESE OF
CHURCH OF SOUTH INDIA,
71-A, DENNISON STREET,
NAGERCOIL - 629 001,
KANYAKUMARI DISTRICT.

5 THE GOVERNING BOARD
SCOTT CHRISTIAN COLLEGE (AUTONOMUS),
NAGERCOIL,
KANYAKUMARI DISTRICT.

6 RT. REV. DR. AR. CHELLIAH
THE BISHOP - CHAIRMAN OF THE EXECUTIVE COMMITTEE,
THE KANYAKUMARI DIOCESE OF
CHURCH OF SOUTH INDIA,
71-A, DENNISON STREET,
NAGERCOIL - 629 001,
KANYAKUMARI DISTRICT

... Respondents / Respondents

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of Ad-Interim Stay of the operation of the impugned proceedings of the 4th respondent Bishop - Chairman dated 04.07.2024 staying the appointment of the petitioner as the Secretary - Correspondent of the 5th respondent College Governing Board by the Diocesan Executive Committee and further putting himself as the Secretary - Correspondent in-charge of the College, so as to enable the petitioner to continue as Secretary - Correspondent of the 5th respondent College, pending disposal of the writ petition.

Prayer in WP(MD). 17949/ 2024 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 4th respondent Bishop - Chairman dated 04.07.2024 staying the appointment of the petitioner as the Secretary - Correspondent of the 5th respondent College Governing Board by the Diocesan



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Executive Committee and further putting himself as the Secretary - Correspondent in-charge of the College, quash the same, and further direct the respondents 1 and 2 to register the petitioner as the Secretary - Correspondent of the 5th respondent College Governing Board.

ORDER : This writ miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.ISAC MOHANLAL, Senior Counsel for M/sK.GNANASEKARAN, Advocate for the petitioner and of Mr.M.SARANGAN, Additional Government Pleader on behalf of the Respondent Nos.1 and 2 and of Mr.MOHAMED ATHIFF, Advocate on behalf of the Respondent No.3 and of Mr.S.MEENAKSHI SUNDARAM, Senior Counsel for Mr.F.DEEPAK, Advocate on behalf of the Respondent No.4 and of Mr.DILIP KUMAR, Advocate on behalf of the Respondent No.5 and of Mr.V.RAGAVACHARI, Senior Counsel for Mr.S.BHARATHIRAJAN, Advocate on behalf of the Respondent No.6, while admitting the writ petition, the Court made the following order:-

Heard the learned Senior counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2 and the learned Senior counsel appearing for respondents 4 and 6 and the learned counsel appearing for respondents 3 and 5.

2. The case on hand pertains to the affairs of C.S.I. Kanyakumari Diocese. The election for electing the members of the Diocesan Council was concluded in the second week of June 2024. The petitioner herein was elected as the Secretary of Kanyakumari Diocese of C.S.I. The executive committee of the Diocesan Council met on 04.07.2024. The petitioner's name was proposed for appointment as Correspondent / Secretary of Scott Christian College(Autonomous), Nagercoil.



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There was no counter proposal. However, there were two objections. Finally, Rev.Bishop informed the executive committee that complaints had been received against the petitioner and that even though clarification was sought from him, the petitioner had not given any reply. Rev.Bishop was of the view that the proposal to appoint the petitioner as correspondent of Scott Christian College was against the provisions of the Constitution and proceeded to stay the same, until the dispute is resolved by the higher body. In the minutes enclosed in the typed set of papers, it had been handwritten that Rev.Bishop was assuming charge of Scott Christian College(Autonomous), Nagercoil as Correspondent in-charge. This stand taken by the fourth respondent is impugned in this writ petition.

3. The learned Senior counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to stay the impugned proceedings.

4. The learned Senior counsel appearing for the fourth respondent as well as the sixth respondent contended that the action of Rev.Bishop is very much in consonance with the Constitution of the C.S.I. Kanyakumari Diocese and that therefore, interference is not warranted.

5. I carefully considered the rival contentions. The question that calls for consideration is whether stay should be granted in respect of the impugned



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proceedings.

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6. It is not in dispute that the Diocesan Council is the highest decision making body. In fact, even according to the respondents 4 and 5, the impugned decision is subject to the decision of the Diocesan Council. They also added that even a direction can be given for convening the same. My attention is drawn to Clause 63.4 (G) (d) of Chapter XXVIII of the Constitution of C.S.I. Kanyakumari Diocese which deals with the functions of the Bishop. This clause empowers the Bishop to stay the proceedings of any Council (except the Diocesan Council), Board, Committee, Sub-Committee or Church meeting until the matter to which he takes exception can be decided by the appropriate body. Likewise, Clause XI in Part II of the Rules reads as follows:-

“Power of stay

If any resolution of a Committee, Sub Committee, Board, Council or Church meeting appears to the Chairman of that body to be against the Constitution and practice of the Diocese, he shall submit it to the next meeting of the immediately higher body and until the decision of the latter is received, the resolution shall be stayed by notifying his intention to the Secretary concerned, at the meeting, or in writing within 48 hours.



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While Clause XI talks about stay in respect of committee resolution, Clause 63.4 G (d) is wider. It empowers the Bishop to stay any proceeding of any Council except Diocesan Council etc.

7. The impugned order passed by the fourth respondent is in two parts; a) It stays the proposal that emanated from the executive committee appointing the petitioner as Correspondent of Scott Christian College (Autonomous), Nagercoil and b) Bishop appointed himself as Correspondent in-charge till the issue is decided by the Diocesan Council. Both the provisions referred to above only authorise Rev.Bishop to stay the proceedings / resolution. Any provision providing for interfering with a democratically taken decision has to be narrowly and strictly construed. The executive committee of the Diocesan Council is a democratically elected body. It has taken a decision. However, the Constitution of the C.S.I. Kanyakumari Diocese empowers the Bishop to stay the same. Such a provision cannot be given an expansive construction. The clauses mentioned above only grant power to stay the resolution. They do not authorise the Bishop to assume extra power. My attention has not been drawn to any other provision in the CSI Constitution permitting the Rev.Bishop to assume charge or responsibility. While I cannot interfere with the decision of the Bishop in staying the proceedings of the Diocesan Council, I have to necessarily stay that part of the proceedings by which



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the Bishop had appointed himself as Correspondent in-charge.

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8.If I stay the first part of the proceedings, that would amount to granting the main relief in the interim stage. I therefore have to give only a limited stay as mentioned above.

9.This petition stands disposed of accordingly.

sd/-
02/08/2024

/ TRUE COPY /

14/08/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PMU

To

1 THE DIRECTOR OF COLLEGIATE EDUCATION,
COLLEGE ROAD,
CHENNAI - 600 006.

2 THE REGIONAL JOINT DIRECTOR OF
COLLEGIATE EDUCATION,
TIRUNELVELI REGION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 MANONMANIUM SUNDARANAR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PALAYAMKOTTAI,
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+1 CC to M/s.K.GNANASEKARAN, Advocate (SR-9280[I] dated 02/08/2024)

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+1 CC to M/s.S.BHARATHI RAJAN, Advocate (SR-9474[I] dated 06/08/2024)

+1 CC to M/s.F.DEEPAK, Advocate (SR-9328[I] dated 02/08/2024)

ORDER

IN

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IN

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Date :02/08/2024

ED/ /SAR- (14/08/2024) 8P / 7C

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