



W.P(MD)No.20847 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20847 of 2024

Ruban S.Thomas

... Petitioner

Vs.

1.The Moderator,
Church of South India,
The Synod Secretariat,
CSI Centre, No.5, Whites Road,
Royapettah, Chennai-600 014.

2.The Bishop of Diocese of Tirunelveli,
Bishop's Stowe,
16B, North High Ground Road,
Palayamkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant ordination as Deacon to the petitioner herein within a time limit as may be stipulated by this Court in the light of the proceedings dated 22.08.2020 of the Administrators and by considering the representation of the petitioner dated 22.12.2023 and 04.04.2024.

For Petitioner : Mr.R.Maheswaran,
for Mr.K.Jeyamohan

For R2 : Mr.P.P.Alwin Balan



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ORDER

This Writ Petition is filed, seeking direction to the respondents to grant ordination as Deacon to the petitioner within a time limit as may be stipulated by this Court, in the light of the proceedings of the Administrators dated 22.08.2020 and by considering the representations of the petitioner dated 22.12.2023 and 04.04.2024.

2.The learned counsel appearing for the petitioner would submit that the administrators appointed by this Court had given a recommendation to the moderator's commissary to take immediate steps to conduct the ordination not only to the 36 candidates, whose ordinations were cancelled but also to the other eligible candidates, who are waiting for ordination in the diocese, which action will in fact implement the order of the Moderator and availability of Presbyters for posting in pastorate, where there is no ordained pastor to carry out the religious and evangelical duties to be performed in the pastorate.

3.The learned counsel for the petitioner would further submit that the aforesaid recommendation has been made in the year 2020 much before the decision of the Full Bench of this Court in **2024 (2) CTC 369 (D.Bright Joseph**



v. Church of South India (CSI) (FB). Therefore, according to him, in view of the said recommendation, this Writ Petition is very much maintainable to implement the same.

4.The learned counsel for the 2nd respondent would on the contrary contend that this Writ Petition is not maintainable. The administrators of the CSI has not recommended anything. On the other hand, they had requested the moderator's commissary to pass orders to take steps regarding the ordination. Hence, he vehemently opposed this Writ Petition. He called upon this Court to dismiss the Writ Petition.

5.At the outset, it is relevant to extract the law declared by the Hon'ble Full Bench of this Court in the decision reported in **2024 (2) CTC 369 (D.Bright Joseph v. Church of South India (CSI) (FB)**. Para 24 of the said decision reads as follows :

“24. To summarize the issue now in reference, it can be stated that:

(i) the respondents 1 and 2 are running 2300 schools, 150 colleges and 104 hospitals in India.

Therefore, the public duty that they discharge falls within the contours of [Article 21](#) and [21A](#) of the Constitution of India.

(ii) The Courts have emphasized that educational institutions which nurture and develop young minds should ensure quality education and high standards of integrity to the persons passing through their



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institutes. Therefore, persons administering and managing these institutions should be above board.

(iii) Since the educational institutions run by respondents 1 and 2, both aided as well as unaided, are bound by statutory regulations of varying degrees, they are amenable to the writ jurisdiction. Any act of the management who are in administration of these institutes / hospitals likely to bring down the standards of both education as well as medical services can be challenged by any person invoking the rights under [Article 226](#) and in that sense, respondents 1 and 2 would fall within the category of any person or authority as described under [Article 226](#) of the Constitution of India.

(iv) The educational agency of the institutions run by the first respondent is the Synod and the Constitution of the Synod has a direct impact on the quality and standards of the educational institutions/hospitals. Therefore, any act impairing / impacting the process of electing the Synod would have a direct impact on the quality and standard of these institutions/hospitals.

(v) Apart from running educational institutions, respondents 1 and 2 are also maintaining churches and discharging functions of the clergy. These functions are outside the scope of judicial review under [Article 226](#) of the Constitution of India.

(vi) A person aggrieved by the acts of respondents 1 and 2 relating to the above can definitely move this Court under [Article 226](#) of the Constitution of India to ensure the due compliance of this public duty.

25. Therefore, the writ petition against respondents 1 and 2 who has been struck off, is maintainable where the action of these respondents which has a direct impact on the educational institutions/hospitals being run by the respondents.”



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6.In view of the said dictum, it is for the respondents to pass orders on its own merits in the light of the recommendations made in the year 2020. This Court is not inclined to pass any orders as requested by the petitioner.

7.This Writ Petition is dismissed accordingly. No costs.

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

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