



W.A.(MD) No.2045 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.2045 of 2024
and
C.M.P.(MD) No.14661 of 2024**

Rt. Rev. Dr.A.R.Chellaiah,
The Bishop - Chairman,
The Executive Committee,
The Kanyakumari Diocese of Church of South India,
No.71-A, Dennis Street,
Nagercoil - 629 001,
Kanyakumari District.

... Appellant

-VS-

1.S.Byju Nizeth Paaul,
Secretary,
The Kanyakumari Diocese of Church of South India,
No.71-A, Dennis Street,
Nagercoil - 629 001.

2.The Director of Collegiate Education,
College Road, Chennai - 600 006.



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3.The Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Palayamkottai, Tirunelveli District.

4.Manonmanium Sundaranar University,
Represented by its Registrar,
Palayamkottai, Tirunelveli District.

5.The Bishop – Chairman,
The Executive Committee,
The Kanyakumari Diocese of Church of South India,
71-A, Dennis Street,
Nagercoil - 629 001,
Kanyakumari District.

6.The Governing Board,
Scott Christian College (Autonomus),
Nagercoil, Kanyakumari District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside interim the order, dated 24.09.2024, passed in W.P. (MD)No.17949 of 2024 and W.M.P.(MD)No.15384 of 2024.

For Appellant	:	Mr.V.Ragavachari Senior Counsel for Mr.E.Martin Jayakumar
For R1	:	Mr.Isaac Mohanlal Senior Counsel for Mr.H.Thayumana Swamy
For R2 and R3	:	Mr.S.P.Maharajan Special Government Pleader



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

We find that the Writ Appeal has been filed on a misconception of the order of the learned Single Judge.

2. According to Mr.V.Raghavachari, learned Senior Counsel appearing for the appellant, there is a positive direction to conduct a meeting.

3. On a perusal of the order, we do not find any such positive direction. The order impugned in the Writ Appeal, made in W.P.(MD)Nos.17949 and 18256 of 2024 and W.M.P.(MD)No.15384 of 2024, dated 24.09.2024, reads as follows:-

"After elaborate arguments, it is stated by both sides that Executive Committee Meeting shall be convened first to discuss the issue, for which, the writ petitioner shall issue notice to the Executive Committee, giving 15 days time for such meeting. During the meeting, the Executive Committee shall pass a resolution and take a final decision as to whether the Diocesan Council shall conduct a meeting or not.

2.Post the matter on 21.10.2024. In the meantime, the interim order already granted is extended."



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4. What is recorded in the first part of the order is only a statement of the counsel for the parties. We do not find any positive direction to convene the meeting of the Executive Committee. This is clearly evident from the fact that the learned Single Judge has posted the Writ Petition itself for hearing on 21.10.2024 while extending the interim order already granted on 28.08.2024. Mr.V.Ragavachari, learned Senior Counsel appearing for the appellant very clearly states that he has no objection for the order passed on 28.08.2024. Though the learned Senior Counsel would seek to reserve liberty to argue on the maintainability of the Writ Petition before the learned Single Judge, that liberty is always available to the appellant herein / respondents in the Writ Petition.

5. In view of the above, we do not find any merit in the Writ Appeal. Therefore, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
18.10.2024



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- 2.The Regional Joint Director of Collegiate Education,
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