



W.P.Nos.34729 & 34733 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.34729 & 34733 of 2025

and

W.M.P.Nos. 38904 & 38908 of 2025

Renald Arvin

... Petitioner
(in W.P.No.34729 of 2025)

1.Guruprasad
2.Cynthia Stephen

... Petitioner
(in W.P.No.34733 of 2025)

Vs

1.Church of South India, Synod Secretariat
O/o No.5, Whites Road,
Royapettah, Chennai,
Indian, Pin-600 014.

2.Karnataka Central Diocese
O/o #20 3rd Cross,
Mission Compound,
Bangalore-560 027.

3.Vincent Vinod Kumar
4.K.Reuben Mark
5.C.FernandesRathin Raja

... Respondents
(in both petitions)



PRAYER in W.P.No.34729 of 2025: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing particularly in the nature of to consider the representation dated 15.05.2025 sent by the petitioner herein to the 5th respondent and quash the Certificate of the election and appointment of the Rev.Dr.VincentVinod Kumar to be Bishop in Karnataka Central Diocese dated 04.08.2025 unlawfully issued by the Respondent No.4-Moderator and the Respondent No:5-General Secretary in the name of the Executive Committee of the synod of the church and consequently directing the Respondent No.4 to refer the objections raised by the petitioner and other members of the CSI to the Court of Synod as required under Rule 29 of the Constitution of the CSI and consequently directing the Court of Synod to consider the objections raised against Respondent No.3 on its merits and to submit the findings of the enquiry before this Hon'ble Court.

PRAYER in W.P.No.34733 of 2025: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing particularly in the nature of to consider the representation dated 12.05.2025 and 24.05.2025 sent by the petitioners herein to the 5th respondent and quash the Certificate of the election and appointment of the Rev.Dr.Vincent Vinod Kumar to be Bishop in Karnataka Central Diocese dated 04.08.2025 unlawfully issued by the Respondent No.4-Moderator and the Respondent No:5-General Secretary in the name of the Executive Committee of the synod of the church unlawfully issued by the Respondent No.4 and 5 in the name of the Executive committee of the synod of the church.



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For Petitioner : Mr.B.Kumar, Senior Counsel
(In both petitions)

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the 4th respondent to consider the petitioners' representation requesting to quash the certificate of election and appointment issued in favour of the 3rd respondent as Bishop to the 2nd respondent Diocese issued by respondents 4 & 5 and consequently refer the objections raised by the petitioners and other member of the 1st respondent to the Court of Synod and submit the findings of the Synod before this Court.

2. It is the case of the petitioners that they have submitted their representations to the 5th respondent seeking to quash the certificate of election which has been issued in favour of the 3rd respondent appointing him as a Bishop to the 2nd respondent by respondents 4 & 5. However, the said representations have not been considered so far and therefore, in order to espouse the said cause, the petitioners have come up with the above Writ Petitions.



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3. Learned Senior Counsel appearing for the petitioners submitted that the appointment of 3rd respondent as a Bishop to the 2nd respondent diocese is wholly in contravention of the Constitution of the 1st respondent which would have a direct impact on all the other institutions which are being governed by the 1st respondent. In this regard, the learned counsel placed reliance on the decision of the Hon'ble Full Bench of this Court in ***D.Bright Joseph – Vs – Church of South India (CSI) & Ors. (W.P.No.30472 of 2022 dated 29.02.2024)*** and submitted that this Court may pass appropriate orders directing the respondents to pass orders on the representation within a particular time frame.

4. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing for the petitioner and perused the materials available on record.

5. The Full Bench of this Court in *Bright Joseph case* (supra) had occasion to consider whether the Diocese would be amenable to the jurisdiction of this Court under Article 226 of the Constitution and in that context held as under:-

“22. From the conspectus of the above principles and judgments which describe a public duty, it is



amply evident that the respondent apart from its ecclesiastical functions, is running and managing various schools, colleges and hospitals. The respondent is definitely discharging the public function and if any action taken by them which is detrimental to the discharge of this duty, a writ petition would definitely be maintainable. Unlike, Article 32 of the Constitution of India any person even if he is not a person aggrieved can invoke the jurisdiction of this Court under Article 226 of the Constitution of India. The petitioner is aggrieved by the fact that respondents 1 and 2, by manipulating the electoral process are nominating persons of questionable character, especially against whom criminal proceedings have been directed. Further, an amendment to increase the age of superannuation has been put in place to ensure that the persons now in management can continue for a further period unopposed. The activities of such persons would seriously impair the standards of education as also the institutions. Therefore, taking note of the fact that it is these persons who constitute the educational agency, the writ petition is maintainable.

“23. 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 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.”

6. From the above decision of the Full Bench, it is implicitly clear that where the issue relates to discharge of a public duty/function and action in detriment is taken with regard to the said issue, any person aggrieved by such action could very well invoke the jurisdiction of this Court under Article 226 of the Constitution. In fine, if the acts of the CSI impair the discharge of the public duty/function, whereby detriment is caused to the person or the educational institution or hospital, thereby affecting the education and health of the community which is rendered in the welfare of the public, then a writ petition would be maintainable against CSI. Therefore, it is clear that the maintainability would depend on the issue raised and not the institution of CSI.



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7. Further, the operative portion of the above decision, clearly spells out that the respondents 1 and 2 therein are running 2300 schools, 150 colleges and 104 hospitals in India and that the said public duty that they discharge falls within the contours of Article 21 and 21A of the Constitution and the act of the management, who are in the administration of the institutes/hospitals would likely bring down the standards of education and health care and, therefore, a writ under Article 226 is maintainable.

8. In the present case, the issue that arises for consideration is with regard to the conduct of elections by the respondents and the announcement of results which had led to the 3rd respondent being elected as the Bishop. By no stretch, the said act of the respondents could be brought within the ambit of public function or would it relate to the functioning of the educational institution and the hospital. Just because, educational institutions and hospitals are run by the CSI would not be a ground to bring all the administrative acts of CSI under scope of Article 226. Hence, the proper course open to the petitioners would be approach the competent civil court where all the points raised herein could be



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canvassed by the petitioners.

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9. In view of the fact that the grievance espoused in the present case would not fall within the ambit of Article 226 of the Constitution, there are no merits in the present writ petition and, accordingly, they are liable to be rejected.

10. For the reasons aforesaid, the writ petitions fail and the same are dismissed and it is made clear that it is open to the writ petitioners to have their grievance ventilated in the manner known to law as laid down by the Full Bench in the decision referred above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.09.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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