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W.P.No.44422 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.44422 of 2025 and
WMP.no.49544 of 2025

J.Jebathilagar

... Petitioner

Vs.

1.THE STATE OF TAMILNADU,
REP. BY IT'S SECRETARY TO GOVERNMENT, SCHOOL
EDUCATION DEPARTMENT, SECRETARIAT CHENNAI 600 009

2.THE DIRECTOR OF ELEMENTARY EDUCATION,
O/O. THE DIRECTOR OF ELEMENTARY EDUCATION, COLLEGE
ROAD, CHENNAI -6

3.THE DISTRICT EDUCATIONAL OFFICER
(ELEMENTARY), O/O. THE DISTRICT EDUCATIONAL OFFICE,
HOSUR, HOSUR DISTRICT

4.THE BLOCK EDUCATIONAL OFFICER,
O/O. THE BLOCK EDUCATIONAL OFFICE, SHOOLAGIRI BLOCK,
KRISHNAGIRI DISTRICT

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in Oo.Mu.No.1839/ A2/ 2025 dated 28.08.2025 and quash the same as illegal.

For Petitioner : Mr.I.Calvin Jones



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For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 28.08.2025 thereby rejecting the request made by the petitioner seeking no objection to contest in the election for Diocese Counsel Member.

2. The petitioner is working as Headmaster at Panchayat Union Primary School, Anchalam, Shooligiri Union, Krishnagiri District. The petitioner submitted representation seeking no objection to contest in the election conducted by the Tuticorin-Nazareth Diocese for the post of Diocese Counsel Member. It was rejected on the ground that Rule 14-A of Tamilnadu Government Servant's Conduct Rules, 1973 does not permit the petitioner to contest in any election of communal organizations.

3. This issue has already been dealt with by the Hon'ble Division Bench of Madurai Bench of this Court in WP(MD)No.10132 of 2025, etc batch dated 29.10.2021 and the said judgment was also



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confirmed by the Hon'ble Supreme Court of India. The relevant of the

aforesaid judgment dated 29.10.2021 is extracted hereunder:

6.As per Rule 14-A of the Tamil Nadu Government Servants Conduct Rules,1964, the Government servants are prohibited from being a member of, or be otherwise associated with any organization which promotes or attempts to promote disharmony or feelings of enmity or hatred or ill-will between different religious, racial, language or regional groups or castes or communities on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever. 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 Church of South India Diocese 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. Rule 16(1) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, prescribes the code of conduct



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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.

7.The second respondent, namely, the Secretary, the School Education Department filed a counter-affidavit wherein he has specifically stated that in the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and Rules made thereunder, 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 third and fourth respondents organization. In these circumstances, the second respondent submitted that the contention of the petitioner to take action to forbear the staffs of the third and fourth respondents Educational Institutions from contesting in election and holding the posts in the third and fourth respondent's religious organization and to take appropriate action on the staff holding such posts based on the petitioners representation is not permissible for the reason that there is no such provision available in the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules made thereunder enabling the Educational Authority to issue such direction.



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4. Therefore, there is no provision under the Tamilnadu Recognized Private Schools (Regulation) Act, 1973 against teaching and non teaching staff to take action to forbear the staff from contesting in an election.

5. In view of the above, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order dated 28.08.2025 is set aside. The petitioner is permitted to contest in the Diocese Counsel Member election to be conducted by the Tuticorin-Nazareth Diocese.

6. With the above observation, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.11.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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