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WP No. 44256 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

W.P. No. 44256 of 2025

1. Rev D.John Asir Jebas
S/o.Late A.Devapitchai, Residing At
Parsonage, Csi Immanuel Church,
R.K.N.Layout, Sowripalayam,
Coimbatore 641028.

Petitioner(s)

Vs

1. M/s.Church of South India Trust Association
Represented By Its General Secretary,
C.S.I.Synod, Secretariat, No.5 Whites Road,
Royapettah, Chennai 600014.

2.M/s.The Church Of South India (CSI Synod)
Represented By Its Moderator, C.S.I.Synod,
Secretariat, No.5 Whites Road, Royapettah,
Chennai 600014.

3.The Moderator
C.S.I.Synod, Secretariat, No.5 Whites Road,
Royapettah, Chennai 600014.

4.M/s.Csi Coimbatore Diocesan Council



Represented By Its Bishop, CSI Coimbatore
Diocesan Office, No.256 Race Course,
Coimbatore 641018.

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5.The Bishop
CSI Coimbatore Diocesan Office, No.256 Race
Course, Coimbatore 641018.

6.The Hon. Secretary
CSI Coimbatore Diocesan Office, No.256 Race
Course, Coimbatore 641018.

7.The Chairperson
Lay Sub-committee Bishopric Election,
CSI Coimbatore Diocesan Office, No.256 Race
Course, Coimbatore 641018.

8.Register Of Companies
Block No. 6b Wing, 2nd Floor, Shastri Bhawan,
26 Haddows Road, Chennai 600034.

9.The Director
The Southern Regional Office, Shastri Bhawan,
26 Haddows Road, Nungambakkam,
Chennai 600006.

10.The Director Of Collegiate Education
No.577 Anna Salai, Saidapet, Chennai 600015.

11.The Secretary
Department Of School Education, Directorate
No.17 DPI Campus, College Road,
Nungambakkam, Chennai 600006.



12.The South Indian Bank

Sungam Branch, Coimbatore 641018.

13.The Federal Bank

Town Hall Branch, Coimbatore 641001.

Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing respondents Nos.1 to 7 to consider the petitioner representation dated 07.10.2025 and legal notice dated 20.10.2025 to forthwith refrain from conducting any election of the Bishopric Panel of CSI Coimbatore Diocese scheduled on 22.11.2025 and consequently direct the 2nd and 3rd respondent to proceed in accordance with CSI synod constitution.

For Petitioner(s): Mr. T. Annaamalai

For Respondent: Mr.Am.Ayyadurai
Government Advocate
for R10 and R11

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus directing respondents Nos.1 to 7 to consider the petitioner representation dated 07.10.2025 and legal notice dated 20.10.2025 to forthwith



refrain from conducting any election of the Bishopric Panel of C.S.I Coimbatore

Diocese scheduled on 22.11.2025 and consequently direct the 2nd and 3rd

respondent to proceed in accordance with C.S.I synod constitution.

2. It is the case of the petitioner that he has been serving as a Presbyter of the C.S.I. Coimbatore Diocese and is due to retire next year. He has also been serving as a Permanent Diocesan Council for the past 30 years. The first respondent, the Church of South India Trust Association, is registered under Section 25 of the Indian Companies Act, 1956.

3. It is the further case of the petitioner that the Church of South India is running 2300 Schools, 150 Colleges and 104 Hospitals in South India both aided and unaided, and affiliated to the State and Central Governments. Respondent Nos.9 to 11 are discharging the public duty and are managing and transacting the offertory funds of the devotees and general public through the banks.



4. It is the further case of the petitioner that the third respondent is the Chairperson or President of the second respondent, which is the highest representative body of the Church of South India and he will be Chairman and head of all the 2300 Schools, 150 Colleges and 104 Hospitals. However, an election is now proposed to be conducted for selecting the Chairman of the Church of South India. Despite the petitioner has made several allegations as against the 7th respondent for his disqualification, even then respondent Nos.1 to 3 in collusion with respondent Nos.4 to 7, have decided to proceed with the election for selecting the Chairman of the Church of South India. Aggrieved by the same, the petitioner has filed the present Writ Petition.

5. However, the learned counsel appearing for the petitioner would submit that it would be suffice if this Court directs respondent Nos.1 to 3 to consider the representation of the petitioner regarding the allegations made against the 7th respondent within a period as stipulated by this Court.

6. Heard the learned counsel appearing for the petitioner.



7. The fact in the present Writ Petition is that the petitioner has challenged the election for the post of Chairman of the Church of South India. However, the issue is no longer *res integra*, as it is held by a Division Bench of this Court that a Writ is not maintainable with regard to the personal disputes and the election disputes pertaining to the Church of South India. A Writ is maintainable only against the public duty discharged by the Church of South India, not in respect of the personal or internal disputes.

8. On a reference by a Division Bench in W.A. (MD) No.212 and 335/2014, wherein the decision of another Division Bench of this Court in W.A. (MD) No.540/2017 dated 30.05.2017 holding that a writ petition against CSI is not maintainable, the Full Bench of this Court held that where the action directly impacts the educational institutions/hospitals run by CSI, a writ petition would be maintainable and in that context, the Full Bench held as under :-

“22. In the judgment of the Hon'ble Supreme Court in the case of St.Mary's Education Society and Another Vs. Rajendra Prasad Bhargava and others reported in 2023 (4) SCC 498, the question was whether a writ petition under Article 226 of the Constitution of India would be maintainable against a private unaided minority institution. The learned Judges had posed the following question to themselves.



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“Even if a body performing a public duty is amenable to writ jurisdiction are all its decisions subject to judicial review or only these decisions which have a public element therein can be judicially reviewed under the writ jurisdiction? “

The learned Judges observed that the appellant was a registered society running an educational institution founded by a group of French Catholic Nuns in 1893. The school had absolutely no governmental control over its administration and functioning. The school was affiliated to the Central Board of Secondary Education (CBSE). After discussing the CBSE's Affiliation Bye laws, the Bench observed that the CBSE was itself a society registered under the Societies Registration Act and schools affiliated to it is not a creature of the statute and hence not a statutory body. After discussing the march of law with reference to judicial review under Article 226 of the Constitution of India observed as follows in paragraph 43.

“43. In the background of the above legal position, it can be safely concluded that power of judicial review under Article 226 of the Constitution of India can be exercised by the High Court even if the body against which an action is sought is not State or an authority or an instrumentality of the State but there must be a public element in the action complained of.”

Ultimately, the learned Judges has summed up their analysis as follows:

“75.1. An application under Article 226 of the Constitution is maintainable against a person or a body discharging public duties or public functions. The public duty cast may be either statutory or otherwise and where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. Similarly, for ascertaining the discharge of public function, it must be established that the body or the person was seeking to achieve the same for the collective benefit of the public or a section of it and the



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authority to do so must be accepted by the public.

75.2. Even if it be assumed that an educational institution is imparting public duty, the act complained of must have a direct nexus with the discharge of public duty. It is indisputably a public law action which confers a right upon the aggrieved to invoke the extraordinary writ jurisdiction under Article 226 for a prerogative writ. Individual wrongs or breach of mutual contracts without having any public element as its integral part cannot be rectified through a writ petition under Article 226. Wherever Courts have intervened in their exercise of jurisdiction under Article 226, either the service conditions were regulated by the statutory provisions or the employer had the status of “State” within the expansive definition under Article 12 or it was found that the action complained of has public law element.

75.3. It must be consequently held that while a body may be discharging a public function or performing a public duty and thus its actions becoming amenable to judicial review by a constitutional court, its employees would not have the right to invoke the powers of the High Court conferred by Article 226 in respect of matter relating to service where they are not governed or controlled by the statutory provisions. An educational institution may perform myriad functions touching various facets of public life and in the societal sphere. While such of those functions as would fall within the domain of a “public function” or “public duty” be undisputedly open to challenge and scrutiny under Article 226 of the Constitution, the actions or decisions taken solely within the confines of an ordinary contract of service, having no statutory force or backing, cannot be recognised as being amenable to challenge under Article 226 of the Constitution. In the absence of the service conditions being controlled or governed by statutory provisions, the matter would remain in the realm of an ordinary contract of service.

75.4. Even if it be perceived that imparting education by private unaided school is a public duty within the



expanded expression of the term, an employee of a nonteaching staff engaged by the school for the purpose of its administration or internal management is only an agency created by it. It is immaterial whether “A” or “B” is employed by school to discharge that duty. In any case, the terms of employment of contract between a school and nonteaching staff cannot and should not be construed to be an inseparable part of the obligation to impart education. This is particularly in respect to the disciplinary proceedings that may be initiated against a particular employee. It is only where the removal of an employee of non-teaching staff is regulated by some statutory provisions, its violation by the employer in contravention of law may be interfered with by the Court. But such interference will be on the ground of breach of law and not on the basis of interference in discharge of public duty.

23. 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.

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



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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.

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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9. 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, 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.

10. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.

18-11-2025

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Index :Yes / No

Speaking/Non-speaking order

Internet :Yes



Neutral Citation :Yes / No

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