



W.P(MD)No.19258 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.19258 of 2025

and

W.M.P(MD)Nos.14774 and 14775 of 2025

J.B.Easter Raj Duraipandiyan

... Petitioner

Vs.

- 1.The Director of Collegiate Education,
EVK Sampath Building,
College Road,
Chennai - 600006.
- 2.The Regional Joint Director of Collegiate Education,
Raja Sarboji College Campus,
Thanjavur - 613006.
- 3.The Tamil Evangelical Lutheran Church,
Rep by its Secretary,
Church Council,
Tranquebar House,
Melapudur,
Tiruchirappalli - 620001.
- 4.The College Secretary,
T.B.M.L.College,
Poraiyar.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent



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to cancel the approval of Secretaryship of DR.A.Christian Samraj for T.B.M.L.College Poraiyar for the year 2023-2026 which approved by the first respondent by its proceeding in Mu.Mu.No.31090/F3/2023 dated 04.09.2023 since the fourth respondent failed to abide the conditions imposed by the first respondent while granting approval of Secretaryship of the fourth respondent.

For Petitioner : Mr.S.Vijaya Santhi
For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate

ORDER

This writ petition has been filed for a writ of Mandamus to direct the first respondent to cancel the approval of Secretaryship of DR.A.Christian Samraj for T.B.M.L.College Poraiyar for the year 2023-2026 approved by the first respondent dated 04.09.2023 since the fourth respondent failed to abide the conditions imposed by the first respondent while granting approval of Secretaryship of the fourth respondent.

2. The petitioner appears to be a member of the Pastorate attached with Tamil Evangelical Lutheran Church, Pattkottai. Already the petitioner has filed another writ petition in W.P(MD)No.13706 of 2025 for the following relief:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 8th



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and 9th respondents Church to establish and demonstrate its legal status and on the basis of the existence under any applicable and recognized law in accordance with constitutional and statutorily requirements and directing the 8th and 9th respondents Church not to fill up the existing Government Aided vacancies of teaching and non teaching staffs, Schools, Colleges, Educational Institutions under the administration of 8th and 9th respondent church till it reaches its legal status under recognised law.

3. In the aforesaid writ petition, notice has been ordered in the light of the decision of the Hon'ble Supreme Court in the case of ***H.A.Martin and others Vs.Moses Thambi Pillai and others in Civil Appeal No.8458 of 2014.***

4. It is submitted that the order dated 04.09.2023 passed by the first respondent granting approval of secretaryship subject to condition has not been complied with as it is incapable of being complied. Therefore, there shall be a direct payment of salaries to the staff of the fourth respondent college, namely, T.M.B.L.College, Poraiyar.

5. It is noticed that order dated 04.09.2023 bearing reference மு.மு.எண். 31090/எபி3/2023 of the first respondent has not been challenged by the petitioner. The petitioner is indirectly challenging the same by asking for a Mandamus for direct payment and for cancellation of the approval of



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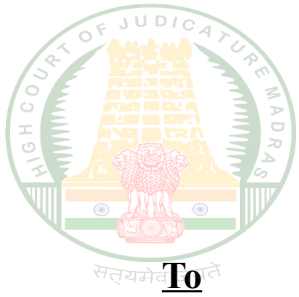
secretaryship granted to DR.A.Christian Samraj, since the fourth respondent has failed to abide by the condition imposed by the first respondent in the said order.

6. Since the writ petition is filed only for Mandamus, the question of quashing the aforesaid order cannot be countenanced. That apart, in case the *Tamil Evangelical Lutheran Church* is not governed by the Tamil Nadu Societies Registration Act, 1975, it is open to the petitioner to dislodge the said DR.A.Christian Samraj from acting as a Secretary by filing a suit as has been ordered in a number of cases by the Hon'ble Supreme Court.

7. The writ petition is dismissed with liberty to the petitioner to file a suit for work out appropriate remedy in a manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

17.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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