



W.P.(MD)No.7181 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date of Reserving the Order	Date of Pronouncing the Order
18.03.2026	02.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.7181 of 2026

and

W.M.P.(MD)Nos.5870 and 5871 of 2026

B.David Anbu Prabaharan

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound, College Road,
Nungampakkam,
Chennai.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The District Educational officer (Elementary),
Valliyur Educational District,
Valliyur, Tirunelveli District.

4.The District Educational Officer (Elementary),
Tirunelveli, Tirunelveli District.

5.The Rt.Reve.Dr.ARGST Barnabas,
Bishoptowe,
Post Box.118, North High Ground Road,
Palayamkottai, Tirunelveli District.



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6.The Manager,
TDTA Middle and Primary School, Tirunelveli.

7.Rev.Dr.Pray.S.James,
CSI Christ Church Personage,
No.61, Ambai Road,
Kulavaigarpuram, Melapalayam,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the fifth respondent in No.W/16C(85)/2025-26, dated 21.02.2026 and consequential order passed by the sixth respondent, dated 21.02.2026 and quash the same as illegal.

For Petitioner	:	Mr.S.Chellapandian
For R1 to R4	:	Mr.SS.Madhavan Additional Government Pleader
For R5 to R7	:	Mr.P.P.Alwin Balan

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari to call for the records related to the impugned order passed by the fifth respondent on 21.02.2026 and the consequential order passed by the sixth respondent on 21.02.2026, and to quash both.



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2. The case of the petitioner is that he was appointed as the Pastorate Chairman of Keela Sadayamangulam Pastorate by order dated 17.04.2023 issued by the fifth respondent. Consequently, the sixth respondent appointed him as the Correspondent of TDTA Middle School, Keela Sadayamangulam; TDTA Primary School, Vayalnambikulam; and TDTA Primary School, West Sadayamangulam. Through this appointment, the petitioner also serves as the Secretary of the School Committee for these Schools.

3. The appointment was approved by the competent authority, namely the District Educational Officer, Tirunelveli, by order dated 27.07.2023. Since the appointment is for a period of three years, the petitioner claims entitlement to continue in office until 16.04.2026. However, without any enquiry or issuance of a show cause notice, the fifth respondent, by the impugned order, directed the seventh respondent to take charge of the Keela Sadayamangulam Pastorate from the petitioner. Subsequently, the sixth respondent issued consequential orders appointing the seventh respondent as the Correspondent of the aforementioned schools. Aggrieved by this, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that the impugned exercise of power violates Chapter II, Rule 51 of the Constitution of the CSI



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Diocese, Tirunelveli. It is further contended that, under Rule 25(2) of the Tamil Nadu Private Schools (Regulation) Rules, 2023 (hereinafter referred to as “the Rules”), a change of Secretary cannot be made without prior approval from the fourth respondent within the three-year tenure. Therefore, the impugned action also breaches Rule 25(2) of the Rules. It is additionally argued that the entire action was taken without providing any opportunity to the petitioner.

5. The writ petition is opposed by the learned counsel representing respondents 5 to 7. It is argued that the writ petition is not maintainable in light of the Full Bench judgment of this Court in **D.Bright Joseph vs. Church of South India (CSI) and others**¹. Additionally, it is submitted that, specifically concerning the removal of the Correspondent/Secretary, the Division Bench of this Court in **Rev.D.Soundarapandiyan vs. The Correspondent, Sarah Tucker College and others**² has held that Rule 25(2) of the Rules does not apply, and such writ petitions are not maintainable.

6. In reply, the learned counsel for the petitioner relied on the judgment of this Court in **G.Selvakumar vs. The Church of South India and another**³,

1 W.P.No.30472 of 2022, dated 29.02.2024; 2024 SCC OnLine Mad 286 : 2024 (2) CTC 369

2 W.A.(MD) No.1345 of 2024, dated 08.08.2024

3 W.P.(MD)No.14342 of 2024 etc. batch, dated 28.10.2025



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wherein, after considering the Division Bench judgment, it was held that the Full Bench judgment continues to be binding and that the writ petition is maintainable.

7. I have considered the rival submissions and perused the material records.

8. It is observed that the first impugned order was issued by the fifth respondent, namely, The Rt. Rev. Dr. A.R.G.S.T. Barnabas, Bishop of Tirunelveli, Church of South India, Diocese of Tirunelveli. The second impugned order was issued by the Manager of TDTA Primary and Middle Schools, Palayamkottai, Diocese of Tirunelveli. Therefore, both orders were issued by private authorities other than the State or other local authorities.

9. The Hon'ble Full Bench in **D.Bright Joseph's case** (cited supra) has clearly held that, regarding the Church of South India and its institutions, a writ petition is generally not maintainable unless the matter involves the discharge of a public duty. The Judgment in **G.Selvakumar** (cited supra) holds that the dictum of above full bench shall be followed.



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10. In the present case, the petitioner alleges a violation of Rule 25(2) of the Rules. However, it is to be noted that when the Tamil Nadu Private Schools (Regulation) Act, 2023, was enacted, it was challenged by several minority institutions in W.P.No.10711 of 2023 and other cases. By an interim order dated 21.04.2023, the Hon'ble Division Bench directed maintaining the *status quo* as it was under the judgment dated 17.12.1975, pending the disposal of the said batch of writ petitions.

11. It is also important to note that when the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, was enacted and applied to minority institutions, it was challenged in **W.P.No.4478 of 1974** and related cases (**The Society of the Brothers of the Sacred Heart of Jesus and others vs. the State of Tamil Nadu**). By judgment dated 17.12.1975, the Hon'ble Division Bench, considering the rights of minority institutions under Article 30 of the Constitution of India and the law established by the Hon'ble Supreme Court in **St.Xavier's College vs. State of Gujarat**⁴, struck down several provisions of the Act and the Rules, especially those related to administration, appointment of the Secretary, and the requirement for prior approval for changes. The relevant portion of the observation made by this Court in that order states as follows:-

4 AIR 1974 SC 1989



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"..... The Educational Agency has also been left free to appoint the President and Secretary but of its representatives. But if the Educational Agency desires to change the President, or the Secretary, it can do so only with the prior approval of the District Educational Officer, the competent authority on this respect. Rules 12 and 13 which provide for power to carry on the general administration of the private school to appoint teachers other employees fix their pay and allowances and define their duties and conditions of service and to take disciplinary action against teachers and other employees of the School, On the top of this, the Educational Agency shall, by law, be bound by anything done by the School Committee in the discharge of its functions and to crown it all, any decision of the Committee within its jurisdiction shall be deemed to be the decision or action taken by the Educational Agency. This in our opinion is a total invasion of the fundamental right of the Educational Agency of a Minority school to administer it." (Emphasis supplied)

12. Thus, it can be seen that the specific Rule was considered and held to be intrusive upon the fundamental rights guaranteed under Article 30 of the Constitution of India. Subsequently, an appeal was filed before the Hon'ble Supreme Court of India against that judgment. The matter became part of the batch of cases considered in **T.M.A.Pai Foundation and others vs. State of Karnataka and others**⁵. After deciding the reference, the Hon'ble Supreme Court remitted the matters back to the High Court and directed that the *status quo* be maintained until the High Court decided the issues afresh.

13. Subsequently, W.P.No.4478 of 1974 and related cases again came up for hearing before another Division Bench of this Court. By order dated 10.10.2012, after considering the submissions made by the learned Advocate

5 (2002) 8 SCC 481



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General that a new comprehensive legislation was under consideration, the Division Bench directed that the *status quo* as of the date of the earlier judgment dated 17.12.1975 be maintained, and disposed of the writ petitions accordingly.

14. Thereafter, the new legislation was enacted and came into force. However, as of today, due to the interim order issued in W.P.No.10711 of 2023 and related cases, the *status quo* as of 17.12.1975 continues to be in effect.

15. In view of the same, Rule 25(2) of the Tamil Nadu Private Schools (Regulation) Rules, 2023, insofar as it mandates prior approval, cannot be enforced against minority institutions pending disposal of the batch of writ petitions before the Division Bench of this Court. Therefore, the contention of the learned counsel for the petitioner that there is a violation of the statutory rule cannot be accepted. In the absence of any enforceable statutory obligation, the impugned action relating to the removal of the Pastorate Chairman cannot be construed as a discharge of a public duty. It becomes an internal dispute within the educational agency. Consequently, the writ petition under Article 226 of the Constitution of India is not maintainable. However, if the petitioner is aggrieved on the ground that any bye-law has been violated or that he has been wrongfully removed from the post of Pastorate Chairman or Correspondent, it is open to him to approach the competent Civil Court in the manner known to law.



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16. With the above liberty, this Writ Petition is disposed of. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

02.04.2026

NCC : Yes
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To

- 1.The Director of School Education,
DPI Compound, College Road,
Nungampakkam,
Chennai.
- 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The District Educational officer (Elementary),
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D.BHARATHA CHAKRAVARTHY, J.

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Pre-delivery order in

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02.04.2026