



W.P.(MD) No. 21747 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 21747 of 2025
and
W.M.P.(MD) No.16842 of 2025**

V.Asokan Solomon

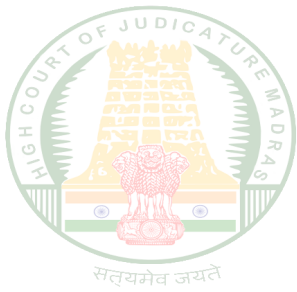
... Petitioner

Vs

1. The Executive Committee,
Rep by its Chairman / Bishop-Incharge,
CSI Kanniyakumari Diocese,
71A, Diocesan Office,
Dennis Street,
Nagercoil, Pin 629 001,
Kanniyakumari District.

2. The Secretary,
CSI Kanniyakumari Diocese,
71A, Diocesan Office,
Dennis Street,
Nagercoil, Pin 629 001,
Kanniyakumari District.

3. The Regional Joint Director of Collegiate Education Cum the
Correspondent/secretary,
Scott Christian College,



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Nagercoil,
Kanniyakumari District.

4. S.Byju Nizeth Paaul

... Respondents

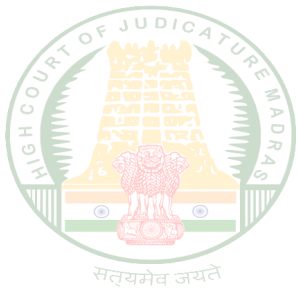
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to forbear the first respondent from in any way appointing, proposed to appoint the fourth respondent as a Correspondent/Secretary of Scott Christian College, Kanyakumari District for the Triennium 2024-2027 in the Executive Meeting of Kanyakumari Diocese.

For petitioner : Mr. S. Balamurugan

For respondents : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.G.Sailendrababu for R1
Mr.K.Ragathesh Kumar
for M/s.Isaac Chambers for R2
Mr.P.T.Thirviam
Government Advocate for R3
Mr.S.C.Herold Singh for R4

ORDER

Heard the learned counsel for the petitioner, the learned Senior Counsel for the first respondent, the learned Counsel for the second respondent, the learned Government Advocate for the third respondent and the learned counsel for the



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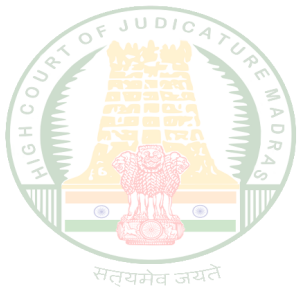
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fourth respondent.

2. The petitioner has filed this Writ Petition for a Mandamus to forbear the first respondent from in any way appointing/proposing to appoint the fourth respondent as a Correspondent/Secretary of Scott Christian College, Kanyakumari District for the Triennium 2024-2027 in the Executive Meeting of Kanyakumari Diocese.

3. The dispute pertains to the appointment of the fourth respondent as the Secretary-cum-Correspondent of the Scott Christian College (hereinafter referred to as 'College') at Kanyakumari, which is under C.S.I., Kanyakumari Diocese.

4. Earlier, a proposal was made by one S.Jeyadhas, who was seconded by Rev. Dr.Muthusamy Christudhas. The then Bishop, namely, Rt. Rev. Dr. A.R. Chelliah, during the meeting of the Executive Committee held on 04.07.2024, had referred to the objections of a few members and had earlier sought clarification from the fourth respondent regarding the complaints in 11 letters, which were addressed to the fourth respondent on 14.06.2024, bearing reference in B/0979/2024. At that stage, there was no reply from the fourth respondent. The

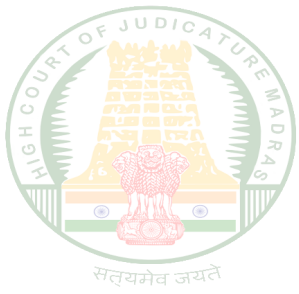


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then Bishop Rt. Rev. Dr. A.R. Chelliah, therefore, concluded that there were violations of the provisions of the Constitution, namely, Chapter XIII, Section 45.2 and 45.3, Chapter XVIII, Section 50.2.F, G. and H.. Therefore, the proposal to appoint the fourth respondent as the Secretary-cum-Correspondent of the College, Kanyakumari was stayed by the said then Bishop. This was with the caveat that the decision is to be settled by the Higher Body. Relevant portion of the minutes of the meeting of the Executive Committee held on 04.07.2024 at the Diocesan Conference Hall at Nagercoil, which deals with the stay of the proposal to appoint the fourth respondent as the Secretary-cum-Correspondent of the College reads as under:

“With regard to appointment of Correspondent for the Scott Christian College, Nagercoil, the name of Er. S. Byju Nizeth Paaul was proposed by Mr. S. Jeyadhas and seconded by Rev. Dr. Muthuswamy Christudhas, for which there was no counter proposal. However, there were objections against the proposal from some members. Finally, the Bishop informed that he had sent 11 letters, referred in the Bishop's letter B/0979/2024 dated 14/06/2024, seeking clarification on matters related to the Scott Christian College, for which there was no reply from the Correspondent. Therefore, the proposal was against the provisions of the Constitution, Chapter XIII, section 45.2 and 45.3, Chapter XVIII, section 50.2.F, G. and H., therefore, the Bishop stayed the same, as per the Constitution of the Diocese, Rule II.XI., until the dispute is settled by the higher body.”

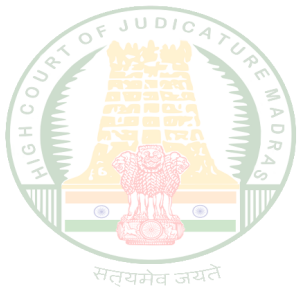


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5. This was the subject matter of the challenge before this Court in W.P. (MD) No.17949 of 2024. An interim order came to be passed by this Court on 02.08.2024, whereby the learned Single Judge stayed the first part of the proceedings, by which the then Bishop appointed himself as Correspondent-in-charge. The operative portion of the order dated 02.08.2024 reads as under:

“7. The impugned order passed by the fourth respondent is in two parts; a) It stays the proposal that emanated from the executive committee appointing the petitioner as Correspondent of Scott Christian College (Autonomous), Nagercoil and b) Bishop appointed himself as Correspondent in-charge till the issue is decided by the Diocesan Council. Both the provisions referred to above only authorise Rev.Bishop to stay the proceedings / resolution. Any provision providing for interfering with a democratically taken decision has to be narrowly and strictly construed. The executive committee of the Diocesan Council is a democratically elected body. It has taken a decision. However, the Constitution of the C.S.I. Kanyakumari Diocese empowers the Bishop to stay the same. Such a provision cannot be given an expansive construction. The clauses mentioned above only grant power to stay the resolution. They do not authorise the Bishop to assume extra power. My attention has not been drawn to any other provision in the CSI Constitution permitting the Rev.Bishop to assume charge or responsibility. While I cannot interfere with the decision of the Bishop in staying the proceedings of the Diocesan Council, I have to necessarily stay that part of the proceedings by which the Bishop had appointed himself as Correspondent in-charge.”

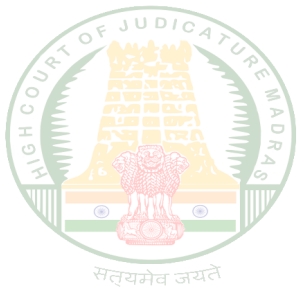


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6. A series of the orders have been passed in course of the proceedings including initiation of the Contempt Proceedings in Cont.P.(MD) No.2108 of 2024 was filed by the then Bishop Rt. Rev. Dr. A.R.Chelliah for the purported violation of the order, dated 28.08.2024 in W.P.(MD) No.17949 of 2024, whereby the Court had observed that the fourth respondent was still continuing in the Management even though the appointment has been stayed by the then Bishop by exercising the power of the Constitution and taking note of the fact that the lecturers and teachers were not get salary, the petitioner therein (fourth respondent herein) was permitted to only sign the salary bills of the staff and no other works are to be undertaken by the petitioner therein (fourth respondent herein).

7. A detailed order thereafter came to be passed by the Court on 23.10.2024, wherein the Court not only impleaded the Secretary to Government, Ministry of Home Affairs, New Delhi, but also the State of Tamil Nadu, represented by the Chief Secretary to Government, as parties in both the Writ Petitions in W.P.(MD) No.17949 & 18256 of 2024 and the Contempt Petition in



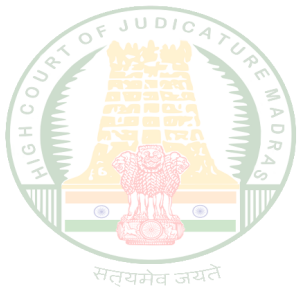
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Cont.P.(MD) No.2108 of 2024 and they were directed to file their report explaining their stand in that regard.

8. In the aforesaid order, dated 23.10.2024, the Court has observed that the higher decision-making body is the Diocesan Council and therefore, it cannot be said that the meeting of the Diocesan Council can be convened only annually or at the request of the Executive Committee.

9. It has further observed that the question as to whether the selection of the fourth respondent herein as the Secretary-cum-Correspondent of the College is against the Constitution or practice of the Diocesan is the subject matter to be decided by the Diocesan Council and hence, directed the then Bishop to call for the Diocesan Council Meeting within a period of two months and the Diocesan Council has to decide the issue after issuing notice to the fourth respondent herein.

10. This order was the subject matter of the Writ Appeal filed by the fourth respondent herein before the Hon'ble Division Bench of this Court in W.A.(MD) No.2282 of 2024, wherein by an order, dated 08.11.2024, the Hon'ble Division

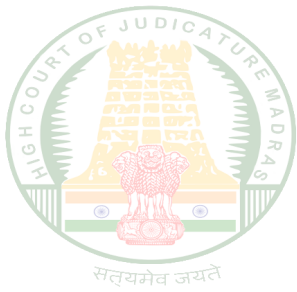


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Bench has recorded that in accordance with the direction of the interim order of the Writ Court, dated 23.10.2024, the then Bishop had issued notice to all the Diocesan Council Members calling upon them to participate in a Special Meeting, scheduled to be held on 09.11.2024 at 9.30 in the Centenary Auditorium of the College at Nagercoil.

11. This was sought to be stopped by the fourth respondent and it is in this context, the Hon'ble Division Bench, in the said order, has also observed that the fourth respondent had raised several grounds to challenge the interim order passed on 23.10.2024 that he anticipated the possibility of transgressing in the voting process, since the then Bishop had, after issuance of election notice, nominated 38 Tellers Pastors and 10 Tellers laymen of his own choice to assist during the Special Meeting and therefore, made a plea for the appointment of any responsible Committee to monitor and oversee the entire voting process in the Special Meeting. Hence, Hon'ble Justice Mr. V. Parthiban (Retd), Madras High Court, was appointed as the Chairman of the Committee along with Mr. P. Mohanraj Pandian, District Judge (Retd.) as a Member to oversee and monitor the



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entire Diocesan Council of Kanyakumari and Diocese of the Church of South India.

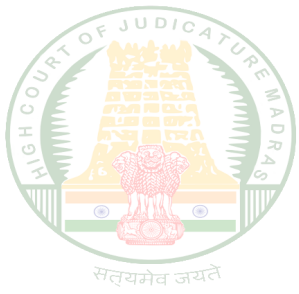
12. Pursuant to the aforesaid order, a meeting was ultimately held on 04.01.2025, as the meeting could not take place on 16.11.2024 on account of confusion and commotion. The Chairperson of the Committee constituted by the Court, Hon'ble Justice Mr. V. Parthiban (Retd) has recorded the event that took place on 04.01.2025, wherein it was concluded as under:

“Counting of votes:

Counting of votes commenced from 1:46 p.m., under the supervision of the Hon'ble Justice Mr. V. Parthiban. The first box was opened for counting at 1:46 p.m., the second box was opened for counting at 2:05 p.m., the third box was opened for counting at 2:20 p.m. and the fourth box was opened for counting at 2:29 p.m. Counting came to a close at 2:53 p.m. and the Hon'ble Justice Mr. V. Parthiban declared the votes as follows:

Yes	-	513
No	-	490
Invalid	-	1
Total votes polled	-	1004

The council, by 'Affirmative Votes', upheld the stay of the Bishop, on resolution number E.C. 006/2024, in the meeting of the Executive Committee held on 04/07/2024.”



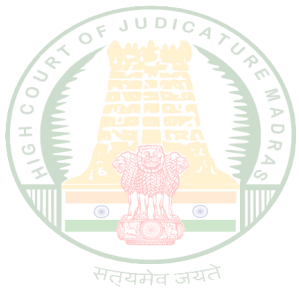
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13. It is to be noticed that Kanyakumari Diocese has totally 1073 members, out of which 1004 had participated and thereby, affirmed the decision of the then Bishop in the Executive Committee Meeting, dated 04.07.2024, the content of which is extracted above.

14. A report of the Committee, dated 09.01.2025 has also been placed before the Hon'ble Division Bench of this Court giving details of the steps taken pursuant to the order of the Court. Subsequently, by an order dated 10.01.2025, the Hon'ble Division Bench in W.A.(MD) No.2282 of 2024 has observed as under:

“2. We have taken note of the fact that the Hon'ble Committee was constrained to face some unpleasant situation in the earlier special meeting, whereby, the election could not be conducted and during the course of the present special meeting, one of the members of the Hon'ble Committee had spent two days at Nagercoil for the purpose of preparing for the election meeting. Likewise, the Advocate, who had assisted the Hon'ble Committee, had also played a significant role to facilitate the smooth conduct of the special meeting. In consideration of their contributions, the Kanyakumari Diocese of Church of South India shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) each to the Hon'ble Mr.Justice V.Parthiban (Retd.), Chairperson of the Committee, Mr.P.Mohanraj, District Judge (Retd.) and Thiru.N.Balamuralikrishnan, Advocate, on or before 23.01.2025.”



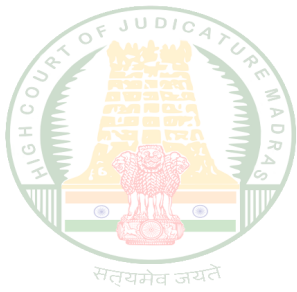
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15. Ultimately, the Hon'ble Division Bench has passed a final order in W.A. (MD)No.2282 of 2024, on 09.04.2025, wherein it has been observed that the declaration of the result of the Special Meeting of Diocesan Council held on 04.01.2025 on the campus of the College, Nagercoil was well within the provisions of the Constitution of the C.S.I., Kanyakumari Diocese.

16. It has further observed that in accordance with Rule I(2) under part II of the Constitution of the C.S.I., Kanyakumari Diocese and by taking into account 513 members of the Diocesan Council have approved and accepted the decision of the then Bishop in staying the appointment of the appellant therein (fourth respondent herein) as the Secretary of the College by a 'simple majority', as against the 490 members, who had voted against the same.

17. The Hon'ble Division Bench has further declared that the Diocesan Council has accepted the decision of the then Bishop in staying the proposal of appointment of the fourth respondent herein as the Secretary-cum-Correspondent of the College, Kanyakumari.



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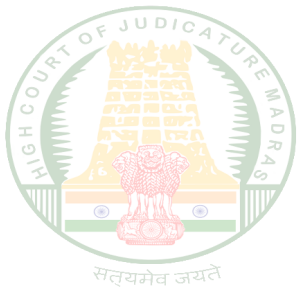
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18. Ultimately, the Hon'ble Division Bench, while passing the above order, has also raised two issues and decided as under:

Issue (i) *Whether the agenda for the special meeting of the Diocesan Council conducted on 04.01.2025 was properly phrased?*

.....

23. *We had, in our interim order dated 08.11.2024, had consciously referred to resolving the dispute, which is the subject matter of W.P.(MD) No.17949 of 2024. When the cause of action in the said Writ Petition is only with regard to staying the appointment of the appellant as Secretary, the counsels have attempted to device and give a new meaning to our order by cleverly referring to a portion of the interim order of the learned Single Judge dated 23.10.2024. We deem it necessary to clarify here that we had no intention of directing the Diocesan Council to decide as to whether the appointment of the appellant as Secretary of the College is against the Constitution or practice of the Diocese, but rather the special meeting was directed to be convened, only for the Diocesan Council to decide as to whether the members accept the decision of the Bishop in staying the appointment of the appellant as Secretary of the College or not. The Hon'ble Committee had rightly understood our observations in our interim order dated 08.11.2024 and had also phrased the agenda accordingly. We, thus, reject the first issue, in view of our aforesaid findings.*



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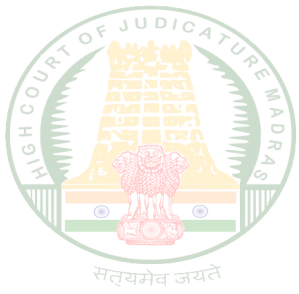
Issue (ii) *Whether the results of the voting in the special meeting of the Diocesan Council dated 04.01.2025 requires to be declared by a simple majority or 2/3rd majority?*

....

38. *From the above discussions, we have no difficulty in coming to the conclusion that the declaration of the results of the special meeting of the Diocesan Council held on 04.01.2025 at the Campus of the Scott Christian College, Nagercoil, was well within the provisions of the Constitution of the C.S.I Kanyakumari Diocese. In accordance with Rule I(2) under Part-II and by taking into account that 513 members of the Diocesan Council have approved and accepted the decision of the Bishop in staying the appointment of the appellant as Secretary of the College by a 'simple majority', as against 490 members who had voted against the same, we hereby declare that the Diocesan Council has accepted the decision of the Bishop in staying the appellant's appointment as Secretary of the Scott Christian College.*

39. *In view of our aforesaid decision and the various developments after the interims orders passed in W.P.(MD) Nos. 17949 & 18256 of 2024, dated 23.10.2024, no effective orders can be passed by the Writ Court touching upon the impugned order therein, as well as the main prayers sought for in both the Writ Petitions. The interim order dated 23.10.2024 passed therein has now become redundant. The main prayers in W.P.Nos.17949 and 18256 of 2024 have thus become infructuous. Hence, it is open to the parties to place a copy of this judgment before the learned Single Judge for further course of action.*

19. Thus, the prayers in the said Writ Petition in W.P.(MD) Nos.17949 and 18256 of 2024 were held to be infructuous.



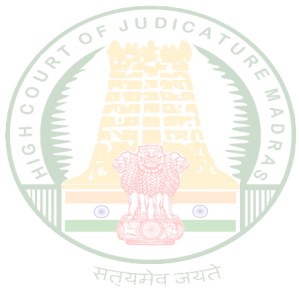
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20. During the interregnum Dr.Samuel George Kalai Arasar moved the Principal Bench of this Court in W.P.No.11129 of 2025 to appoint a suitable person to discharge the functions of the Correspondent of the College by exercising the power granted under G.O.(Ms).No.1021, Education Department, dated 02.09.1985. The said Writ Petition was allowed by an order dated 15.04.2024 with the following observations:

“6. As the day to day affairs of the college and the overall administration of the college has come to a halt, this Court is inclined to issue a direction to the 2nd respondent to appoint the 3rd respondent as the interim Correspondent, at Scott Christian College, Nagercoil, to discharge the functions of the Correspondent as enumerated in G.O.(Ms).No.1021, Education Department dated 02.09.1985, within a period of two weeks, from the date of receipt of a copy of this order. The first respondent is further directed to initiate action on the basis of the web copy of this order, without waiting for the certified copy.”

21. Meanwhile, the fourth respondent herein had moved a Review Application in Rev.Appl.No.143 of 2025 to review the order, dated 15.04.2025 in W.P.No.11129 of 2025, however, withdrew the same with a liberty to file a Writ Appeal, which is recorded by an order, dated 08.05.2025.



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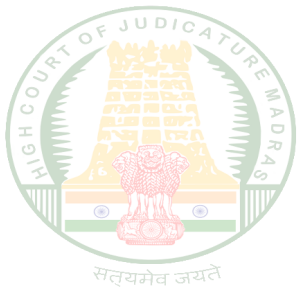
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22. Further, against the order of the Hon'ble Division Bench, dated 09.04.2025, in W.A.(MD) No.2282 of 2024, a Special Leave Petition was filed before the Hon'ble Supreme Court in S.L.P.(C) Diary No.29047 of 2025 by the fourth respondent. However, the said Special Leave Petition filed by the fourth respondent was later withdrawn and thus, the said Special Leave Petition was dismissed on 04.07.2025.

23. Meanwhile, Dr.Samuel George Kalai Arasar, who had earlier filed W.P.No.11129 of 2025, once again approached the Principal Bench of this Court in W.P.No.29013 of 2025 on 31.07.2025, wherein almost similar relief was sought for.

24. It is informed that the said Writ Petition was filed after securing a slip for lunch motion. There are detailed orders that came to be passed by the Court, the content of which is reproduced below:

“5. Despite the above orders, the fifth respondent has called for a meeting of the Executive Committee of the Kanyakumari Diocese by letter dated 17.07.2025 in his capacity as the Secretary of the Diocese to be appointed as the Correspondent/Secretary of the Scott Christian College,



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Nagercoil for the period 2024-2027. This meeting is scheduled to be held on 31.07.2025 (which is today).

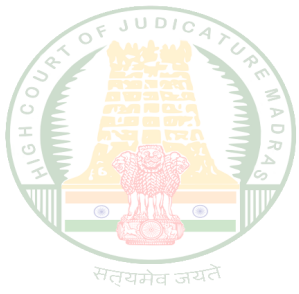
6. The apprehension raised by the petitioner is that in this meeting, the fifth respondent will be appointed as the Correspondent/Secretary in spite of his bad antecedents, which will adversely affect the interest of the Scott Christian College. This has been done in spite of the serious objections given by the executive members on 30.07.2025. It is under these circumstances, the present writ petition came to be filed before this Court.

7. In the considered view of this Court, the appointment or otherwise of the fifth respondent as the Correspondent/Secretary is a decision that is going to be taken by the Executive Committee in Kanyakumari. It is not clear as to what decision will be taken by the Committee and this writ petition has been moved on the mere apprehension that the fifth respondent will be appointed as the Correspondent/Secretary of the college for the period from 2024-2027.

8. This Court cannot entertain writ petitions based on apprehensions. Till now the fifth respondent has not been appointed as the Correspondent/Secretary of the college. Even otherwise, the entire cause of action arises at Kanyakumari and it is not known as to why the writ petition is filed in the Principal Bench of this Court.

9. The learned counsel for petitioner submitted that the petitioner is a member of the Kanyakumari Diocese and the present writ petition is filed in the Principal Bench only on the ground that the first respondent/Synod is in Chennai.

10. If the above interpretation is permitted, various members of the diocese will keep moving writ petitions, both in the Principal Bench as well as in the Madurai Bench, depending on their convenience. Therefore, there has to be some consistency in moving writ petitions. All the earlier orders that have been pointed out, have been passed only by the Madurai Bench and whereas, the present writ petition has been moved in the Principal Bench. This practice has to be nipped in the bud.



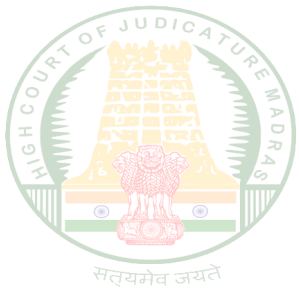
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11. In the light of the above discussion, if ultimately the fifth respondent is appointed as the Correspondent/Secretary of the college and the petitioner is aggrieved by the same, it is always left open to the petitioner to question the same before the Madurai Bench, which will have the jurisdiction in the case. Except giving this clarity, no further orders can be passed in this writ petition. 12. This writ petition is disposed of in the above terms. Consequently, W.M.P.No.32552 of 2025 is closed. No costs."

25. A reading of the above order indicates that the trigger for filing of the above Writ Petition was a notice issued by the fourth respondent herein (fifth respondent therein) on 17.07.2025 in his capacity as the Secretary of the Diocese of Kanyakumari, in respect of the proposal for a meeting for appointing himself as the Secretary-cum-Correspondent of the College for the period 2024-2027, which was scheduled to be held on 31.07.2025. Meanwhile, Rt. Rev. Dr. A.R. Chelliah demitted the Office of the Bishop on 06.07.2025 and in his place, Rt. Rev. Dr. Royce Manoj Kumar was appointed as the Moderator's Commissary.

26. The case of the petitioner is that once the Apex Body, namely, the Council of Diocesan has affirmed the view of the then Bishop Rt. Rev. Dr. A.R. Chelliah in the meeting of the Executing Committee held on 04.07.2024, there is



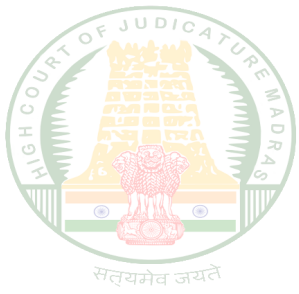
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no question of reconsidering the decision as to whether the fourth respondent could be considered for being appointed as the Secretary-cum-Correspondent of the College.

27. The learned counsel for the petitioner submits that the Moderator's Commissary has communicated the decision of the Executive Committee in the Special Meeting held on 31.07.2025, whereby Dr.J.D.Darvin, as Convener, along with Mr.J.M.Stalin Leo, Dr.J.R.Magline, Rev.N.Spurgeon and Dr. S.Ann Vetha were appointed to study matters relating to the appointment of the fourth respondent as the Secretary-cum-Correspondent of the College.

28. The learned counsel for the petitioner further submits that the members, who were nominated by the Executive Committee of the Diocese of Kanyakumari, have impleaded themselves in W.A.(MD)No.2282 of 2024 as respondent Nos.7, 8, 14, 16 and 24, along with some other persons and they were the persons, who had supported the proposal for appointment of the fourth respondent herein as the Secretary-cum-Correspondent of the College during the Meeting held on 04.07.2024 in the presence of the Committee constituted by the



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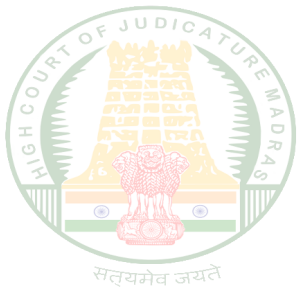
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Court *vide* its order dated 08.11.2024 headed by Hon'ble Justice Mr. V. Parthiban (Retd.) along with Mr. P. Mohanraj Pandian, District Judge (Retd) to oversee and monitor the Special Meeting of the Diocesan Council of Kanyakumari.

29. It is submitted that once the decision has been taken by the Apex Body, the Executive Committee cannot revisit the issue, particularly in the light of the fact that the issue has attained finality, as the fourth respondent herein had been litigating before the Hon'ble Supreme Court and therefore, prays for appropriate orders in this Writ Petition.

30. The learned Senior Counsel for the first respondent, on the other hand, submits that the present Writ Petition is not maintainable in view of the order passed by the Court on 31.07.2025 in W.P.No.29013 of 2025. Specifically, a reference was drawn to paras 5, 7 and 11, which are extracted above.

31. It is further submitted that the Court has clearly indicated that in case the fourth respondent herein, who was the fifth respondent in the said Writ Petition, is ultimately appointed as the Secretary-cum-Correspondent of the College, the petitioner therein could approach the Court and that too before this



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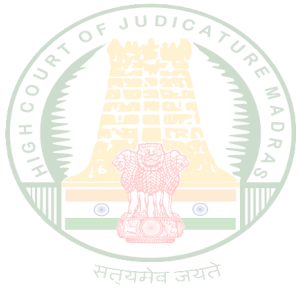
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Court at the Madurai Bench of this Court in the light of the observations in para 11 of the order, dated 31.07.2025 in W.P. No.29013 of 2025, which is extracted above.

32. The learned Senior Counsel for the first respondent would draw attention to para 39 of the order passed by the Hon'ble Division Bench in W.A. (MD) No.2282 of 2024 on 09.04.2025 and would try to persuade the Court to state that the issue has not attained finality and therefore, the proposal for appointment of the fourth respondent herein at this stage need not be interfered with.

33. The learned Senior Counsel also submits that if the prayer in the present Writ Petition is allowed, it would mean that the fourth respondent herein will be disqualified for the three years.

34. It is further submitted that the proposal was not passed by anybody except the then Bishop Rt. Rev. Dr. A.R. Chelliah based on the certain charges in respect of which the reply has now been given by the fourth respondent on 08.07.2024.

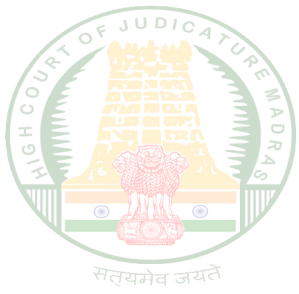


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35. The learned counsel for the second respondent/Secretary of C.S.I. Kanyakumari Diocese, on the other hand, submits that the reason for staying the proposal for appointment of the fourth respondent herein as the Secretary-cum-Correspondent of the College by the then Bishop, namely, Rt. Rev. Dr. A.R. Chelliah was on account of the fact that the 11 letters that were received regarding the alleged misdeeds by the fourth respondent herein on the date of meeting the Executive Committee of Kanyakumari Diocese. The fourth respondent had not given a reply and therefore, the decision was taken to stay the proposal.

36. It is submitted that the fourth respondent has given a reply on 08.07.2024 and therefore, the reply has to be considered and the decision has to be taken as to whether the fourth respondent herein is to be independently appointed as the Secretary-cum-Correspondent of the College and/or whether the fourth respondent herein is to be disqualified from being appointed as the Secretary-cum-Correspondent of the College.



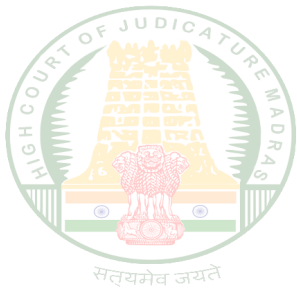
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37. The learned counsel for the second respondent also draws attention to para 23 of the Hon'ble Division Bench in W.A.(MD) No.2282 of 2024, dated 09.04.2025. It is submitted that insofar as the first issue is concerned, the Hon'ble Division Bench has categorically held that the interim order did not mean that there was an intention to direct the Diocesan Council to decide as to whether the appointment of the fourth respondent as the Secretary of the College was against the Constitution or practice of the Diocese, but rather the Special Meeting was directed to be convened only for the Diocesan Council to decide as to whether the members accepted the decision of the Bishop in staying the appointment of the fourth respondent herein as the Secretary-cum-Correspondent or not.

38. It is further emphasized that the Committee, which was appointed by the Court, had also understood the observations in the interim order dated 08.11.2024 and thus, had also phrased the agenda accordingly.

39. That apart, the learned Senior Counsel for the second respondent submits that the power to nominate the Correspondent is vested only with the Executive Committee in Chapter XXVII of the Constitution of the C.S.I.,



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Kanyakumari. A specific reference was made to Clause 61.2 – F. (i) (The Correspondents of the Colleges), which reads as under:

Chapter XXVII

THE EXECUTIVE COMMITTEE

61. The Executive Committee and its relationship to the various Boards and to the Diocesan Council

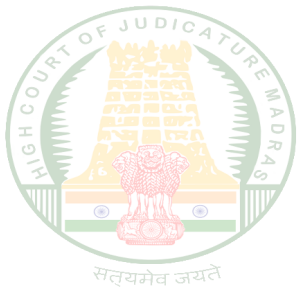
61.1.Membership

A. Officers of the Diocesan Council

B. Three District Ministers and three other Presbyters elected by the Diocesan Council

C. Eighteen lay members elected by the Diocesan Council from among its own members of whom at least one shall be a woman and at least one shall be from unrepresented section and not more than two from one district

D. Secretaries or Correspondents of all Science and Arts Colleges, C.S.I. Institute of Technology, Church Board, Board of Technical Education, Board of Health, Medical Care, Nursing and Paramedical Education, Board of Matriculation School, Corporate Manager of Board of School Education, Project Co-ordinator, Co-ordinator of the CCC YC under the Diocese without voting right. But they can participate in discussions relating to the minutes and matters of the Boards concerned getting permission from the Chairman.



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61.2.Functions

A. To receive from its Sub-Committee, all Boards, and the Treasurer of the Diocesan Council, the annual reports, budgets and accounts for approval.

B. To allocate the income of the Diocesan Council from all sources, local and foreign, as grants to various Sub-Committees, Boards, central administration or for any other specific purpose.

C. To refer any matter to the consideration of any Board, Sub-Committee or to the Diocesan Council.

D. To decide which matters must be referred to the Diocesan Council for decision and to decide all other matters which do not fall within the jurisdiction of any one particular Board or Sub-Committee.

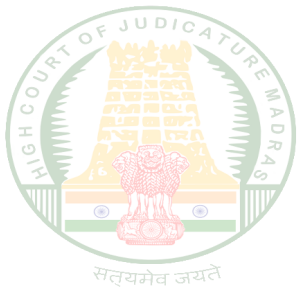
E. To make recommendations, if it so wishes, upon any matter referred to the Diocesan Council for decision.

F. To appoint the following:

a. The Treasurer of the Diocese

b. The Principals of the Colleges

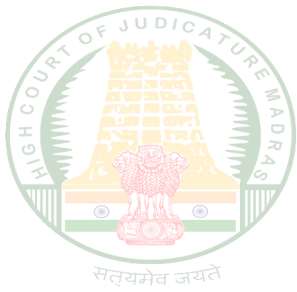
c. The Principals of M. G. Polytechnic, I.T.I., Motor Mechanic Training Centre, Matriculation School, C.S.I. Institute of Technology and Christian College of Nursing



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- d. The Manager of Carpentry Training Centre*
- e. The Medical Superintendent and the Hony. Treasurer of the Kanyakumari Medical Mission*
- f. The Corporate Manager of the Diocesan Schools*
- g. Six persons with experience in finance and accounts to the Finance Sub-Committee*
- h. The Hony. Manager, Diocesan Shopping Centre*
- i The Correspondents of Colleges***
- j. The Correspondents of Schools*
- k. The Correspondent of C. S. I. Institute of Technology.*
- l. The Bursar of C. S. I. Institute of Technology*
- m. The Correspondents of Paramedical Colleges*
- n. Appointment of ten internal auditors*
- o. The Correspondents of the Matriculation School, High School for the Deaf and the School for the Blind*
- p. The Correspondent of the Board of Technical Education*
- q. The Superintendents of the Diocesan Presses*
- r. The Superintendents of the Embroidery, Lace, Weaving and Training Centres*



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s. The Hony. Superintendent of the Thamaraikulam Fields and Topes

t. The representative to the Christian Medical College Council, Vellore, one of whom will be the Medical Superintendent

u. The Hony. Manager of the C. S. I. Diocesan Book Depots.

v. The Diocesan Statistician

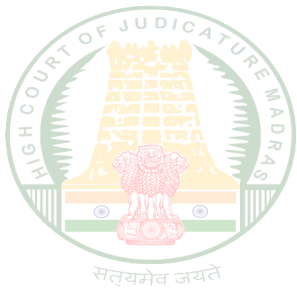
w. The convener and members of the Diocesan Employment Bureau.

G. To propose the names of the Officers of the Diocese to the C. S. I. T. A., to hold Power of Attorney for the C. S. I. T. A.

H. To co-ordinate the work of the various Boards and Committees

L. To decide appeals from individuals in service under the Diocesan Council against decisions of the various Boards in matters of their appointments, transfers, discipline, punishment or retirement, received within fourteen days from the receipt of the communication of the decision affecting them. The Secretary of the Diocesan Council will place the appeal before the Executive Committee after getting the remarks from the concerned Head of the Institution.

J. To appoint Chartered Accountants to audit the accounts of the Diocesan Council and the various Institutions under the Boards and Committees and report to the Diocesan Council for approval every year.



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K. a. To fill any vacancy that may arise due to the resignation or death of the persons holding posts of Vice-President or Secretary till the next meeting of the Diocesan Council.

b. To fill any vacancy that may arise due to the resignation or death among persons elected by the Diocesan Council to the various Boards and Committees from the panel prepared at the triennial election in the order of votes secured by them, till the end of the triennium.

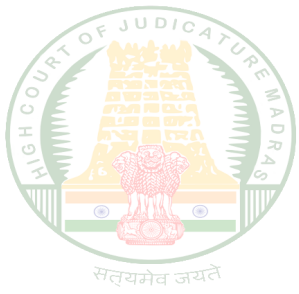
L. To call a special meeting of the Diocesan Council, if necessary

M. To communicate the decisions of the Executive Committee or the Diocesan Council requesting for sanction of grants to the Institutions and new projects of the Synod.

N. To buy, sell and alienate properties and land on behalf of the C. S. I. T. A. with their approval.

?. To decide appeals from registered candidates with the Diocesan Employment Bureau, after getting the remarks from the Convener of the Employment Bureau.

39. It is therefore submitted that the interim decision of the then Bishop Rt. Rev. Dr. A.R. Chelliah was only for that stage and since the fourth respondent herein has now replied on 08.07.2024, there is no impediment.



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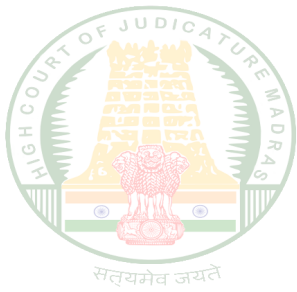
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39. It is further submitted that the charges framed against the fourth respondent herein had to be proved and had to be adjudicated as per the Constitution.

40. It is informed that the Executive Committee of the C.S.I., Kanyakumari Diocese consists of 24 members and that the 24 members are elected by the 1093 member of the Diocesan Council Members.

41. On a specific query as to how many of the persons are with the fourth respondent and the petitioner herein, it was candidly admitted by the respective counsel and Senior Counsel that six persons, including Treasurer are sailing along with the petitioner herein, while the fourth respondent herein is enjoying the confidence of the rest of the 18 members. Therefore, it is submitted that unless an order is passed in the disciplinary proceedings by the Executive Committee of the Diocesan of Kanyakumari, there cannot be an embargo.

42. The learned counsel for the fourth respondent, on the other hand, submits that the petitioner is a Member of the Diocesan. It is said that the fourth respondent herein was elected as the Secretary of the Kanyakumari Diocese in the



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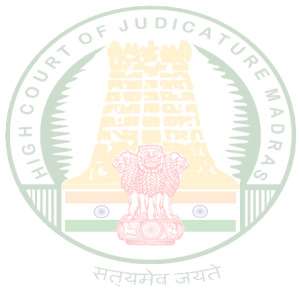
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election held during 2024 and that the petitioner had lost the election and therefore, the petitioner is taking advantage of the decision of the then Bishop, who stayed the proposal for appointment of the fourth respondent herein as the Secretary-cum-Correspondent of the College.

43. That apart, it is submitted that there are no other grounds under the Constitution, which would disqualify the fourth respondent herein from being appointed as the Secretary-cum-Correspondent of the College.

44. It is further submitted by the learned counsel for the fourth respondent that the fourth respondent herein is the Secretary of Diocesan, under which there are 85 schools and educational institutions.

45. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Senior Counsel for the first respondent, the learned Counsel for the second respondent, the learned Government Advocate for the third respondent and the learned counsel for the fourth respondent.

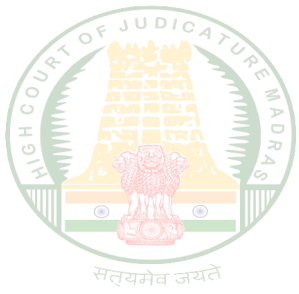


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46. The decision was taken during the meeting held on 04.07.2024, whereby the proposal to appoint the fourth respondent herein as the Secretary-cum-Correspondent of the College was stayed by the then Bishop Rt. Rev. Dr. A.R. Chelliah in the light of the fact that there was no response to the letter of the then Bishop, dated 14.06.2024 seeking clarification from the fourth respondents. It was, of course, a subject to the decision of the Higher Body. This was challenged by the fourth respondent herein in the Writ Petition in W.P.(MD) No. 17949 of 2024 that is still said to be pending. The interim orders have led to the order in W.A.(MD) No.2282 of 2024, content of which has been extracted in detail during the course of the discussion while recording the submissions of the respective counsel and Senior Counsel.

47. The Hon'ble Division Bench, in its order, dated 09.04.2025, has clarified the scope of the Special Meeting of the Diocesan Council conducted on 04.01.2025. The Hon'ble Division Bench has clearly held that the scope of the Writ Petition was confined to stay the appointment of the fourth respondent as the Secretary-cum-Correspondent of the College and has clarified that the Court has not intended to decide as to whether the appointment of the fourth respondent as

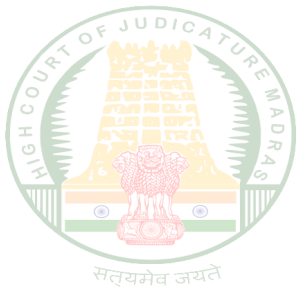


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the Secretary-cum-Correspondent of the College was against the Constitution or practice of the Diocese. It has carefully stated and it was rather the Special Meeting as directed to be convened only for the Diocesan Council to decide as to whether the members accepted the decision of the Bishop in staying the appointment of the appellant (fourth respondent herein) as the Secretary-cum-Correspondent of the College or not.

48. The expression 'stayed' is to be understood only as an interim measure, like an interlocutory order in any Court proceedings and it was subject to revocation by the Higher Body, namely, the Council of Diocesan. Only the decision to stay was to be the subject matter of the deliberation of the Council of Diocesan. Pursuant to the order passed by the Court on 08.11.2024, the Meeting was to be held on 16.11.2024 at the Centenary Auditorium of the College, Nagercoil, Kanyakumari District under the guidance of the Committee consisting of Hon'ble Justice Mr. V. Parthiban (Retd.), Madras High Court and Mr. P. Mohanraj Pandian, District Judge (Retd.). Though the meeting could not be held on 16.11.2024, it was eventually held on 04.01.2025.



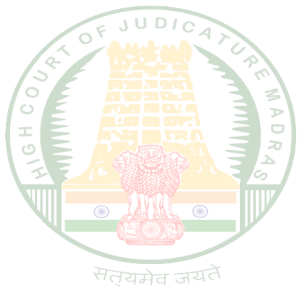
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49. The decision of the then Bishop Rt. Rev. Dr. A.R. Chelliah was thus affirmed by the Executive Council with 490 against the decision and 513 in favour. The said decision has now attained finality. However, it is longevity is only for the interregnum, as no reply was filed by the fourth respondent in response to the letter dated 14.06.2024 bearing reference in B/0979/2024 of the then Bishop Rt. Rev. Dr. A.R. Chelliah. Thus, the charges against the fourth respondent herein ought to be adjudicated as per the Constitution of C.S.I., Kanyakumari Diocese.

50. However, it is informed that the Executive Council consists of 24 members, six members of whom are against the fourth respondent's appointment as the Secretary-cum-Correspondent of the College, while the fourth respondent is enjoying the confidence of the rest of the 18 members of the Executive Committee of the Diocesan.

51. The disciplinary proceedings have also to be conducted by the Council as per the Constitution. However, it may not result in a fair determination of the



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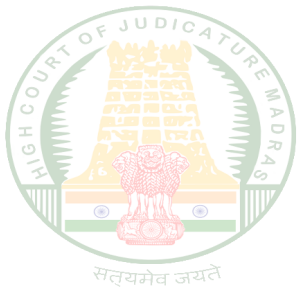
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alleged misdeeds of the fourth respondent in view support which the fourth respondent enjoys.

52. Considering the above, in the fitness of things and for the sake of fairness the enquiry against the alleged misdeeds of the fourth respondent, the Court is of the view that an independent person can be appointed as an Enquiry Officer and also as a Disciplinary Authority to pass a final order on the allegations contained in the letter dated 14.06.2024 bearing reference B/0979/2024 of the then Bishop Rt. Rev. Dr. A.R. Chelliah.

53. Therefore, **Hon'ble Justice Mr.Bharathidasan (Retd.), Madras High Court**, is appointed with the consent of the respective counsel and Senior counsel as a Disciplinary Authority to pass final orders on the allegations contained in the letter dated 14.06.2024 bearing reference B/0979/2024 of the then Bishop Rt. Rev. Dr. A.R. Chelliah. **Hon'ble Justice Mr.Bharathidasan (Retd.), Madras High Court**, shall be paid as initial remuneration of Rs.5,00,000/-

54. The remuneration to Hon'ble Justice Mr. V. Bharathidasan (Retd.), Madras High Court, shall be paid by the Kanyakumari Diocesan. The Hon'ble



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Justice Mr. V. Bharathidasan (Retd.), Madras High Court, is requested to complete the disciplinary proceedings against the fourth respondent herein as expeditiously as possible. Thereafter, it is for the third respondent to appoint or not appoint the fourth respondent.

55. This Writ Petition is disposed of, with the above observations. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No

07.08.2025

Internet : Yes / No

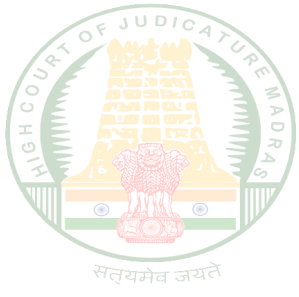
apd

To

The Regional Joint Director of Collegiate Education Cum the
Correspondent/secretary,

Scott Christian College,
Nagercoil,
Kanniyakumari District.

C.SARAVANAN, J.



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