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W.A.(MD)No.3079 of 2025 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 03.09.2026

PRONOUNCED ON : 29.09.2026

CORAM

THE HON'BLE MR.JUSTICE **C.V.KARTHIKEYAN**
AND
THE HON'BLE MR.JUSTICE **R.SAKTHIVEL**



Case QR

W.A(MD)Nos.3079, 3090 and 3097 of 2025 and 543 of 2026
and

CONT.P.(MD)No.1836 of 2026
and

C.M.P.(MD)Nos.17855, 18023 and 18167 of 2025, 5100, 5431, 6777, 9206
and 12222 of 2026
CNR: {HCMD011571902025}

W.A(MD)No.3079 of 2025:-

The Church of South India,
represented by General Secretary,
No.5, Whites Road,
Royapottah, Chennai.

... Appellant

VS

1.G.Selvakumar

2.The Tirunelveli CSI Diocese,
represented by its Bishop,
Tirunelveli CSI Diocese,
No.5, Punithavathiar Street,
Palayamkottai, Tirunelveli,
Tirunelveli District.

...Respondents



W.A.(MD)No.3079 of 2025 and batch

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 28.10.2025 made in W.P.(MD)No.14342 of 2024.

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For Appellant

:Mr.V.Prakash

Senior Counsel for M/s.Ajmal Associates

For R1

:Mr.V.Prabhakar

Senior Counsel

assisted by Mr.N.J.Ramachandar

for Mr.K.Kaviarasan

For R2

:Mr.P.P.Alwin Balan

W.A(MD)No.3090 of 2025:-

1.The General Secretary (CSI) &
Honorary Secretary (CSI TA),
No.5, White's Road, Indira Garden,
Royapettah, Chennai – 600 014.

2.The Honorary Treasurer (CSITA & CSI),
No.5, White's Road, Indira Garden,
Royapettah, Chennai – 600 014.

... Appellants

VS

1.S.Jesu Jegan

2.The Deputy Moderator,
CSI Synod, No.5, White's Road, Indira Garden,
Royapettah, Chennai – 600 014.

3.Rt.Rev.Dr.ARGST Barnabas,
Bishop, Diocese of Tirunelveli,
Chairman/Manager of the Colleges of Diocese
under the Trustee T.D.T.A.,

Bishopstone, No.15, North High Ground Road,
Palayamkottai, Tirunelvelil District – 627 002.

4.The Administrative Secretary,



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Administrative Committee,
Tirunelveli Diocese, Tirunelveli District.

5.The Financial Administrator,
Tirunelveli Diocese,
Tirunelveli District.

6.The Director of Collegiate Education,
577, Anna Salai, Saidapet,
Chennai – 600 015.

7.The Regional Joint Director of Collegiate Education,
Tirunelveli Division, Tirunelveli.

8.The District Educational Officer, Tirunelveli.

9.The District Educational Officer, Tenkasi District.

10.J.Peter John

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 28.10.2025 made in W.P.(MD)No.17382 of 2025.

For Appellants	: Mr.V.Prakash Senior Counsel for M/s.Ajmal Associates
For R1	:Mr.V.Prabhakar Senior Counsel assisted by Mr.N.J.Ramachandar for Mr.K.Kaviarasan
For R3	:Mr.P.P.Alwin Balan
For R5	:Mr.T.Pon Ramkumar
For R6 to R9	:Mr.S.I.Muthiah Additional Government Pleader

W.A(MD)No.3097 of 2025:-

1.The Moderator,

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CSI Synod and Chairman (CSITA) Synod Office,
No.5, White's Road, Indira Garden,
Royapettah, Chennai – 14.

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1.The General Secretary CSI Synod and
Honorary Secretary (CSITA),
Synod Office, No.5, White's Road,
Indira Garden, Royapettah, Chennai- 14.

3.The Honorary Treasurer,
CSI Synod and Treasurer (CSITA),
Synod Office, No.5, White's Road,
Indira Garden, Royapettah, Chennai- 14.

... Appellants

VS

1.Solomon David

2.Registrar of Companies,
Southern Region,
Ministry of Corporate Affairs,
Shastri Bhawan, Chennai 600006.

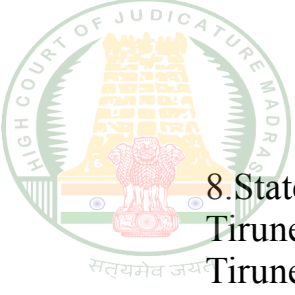
3.The Director of Collegiate Education,
577, Anna Salai, Saidapet, Chennai 15.

4.The Regional Joint Director of Collegiate Education,
Tirunelveli Division, Tirunelveli.

5.District Educational Officer,
Tirunelveli.

6.District Educational Officer,
Tenkasi.

7.State Bank of India,
Palayamkottai Branch,
Tirunelveli District.



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8.State Bank of India,
Tirunelveli Branch,
Tirunelveli District.

9.State Bank of India,
Perumalpuram Branch,
Tirunelveli District.

10.Tamilnadu Mercantile Bank,
Palayamkottai Branch,
Tirunelveli District.

11.Indian Overseas Bank,
Palayamkottai Branch,
Tirunelveli District

12.Canara Bank,
Palayamkottai Branch,
Tirunelveli District

13.Indian Bank,
Palayamkottai Branch,
Tirunelveli District.

14.HDFC Bank ,
Vannarapettai Branch,
Tirunelveli District.

15.Bishop/Chairman, TDTA under the Trustee
T.D.T.A. Tirunelveli Diocese,
Bishopstower, No.15, North High Ground Road,
Palayamkottai, Tirunelveli District - 627 002.

16.The Administrative Secretary,
Administrative Committee,
Tirunelveli Diocese, Tirunelveli District.



17. The Financial Administrator,
Administrative Committee
Tirunelveli Diocese, Tirunelveli District.

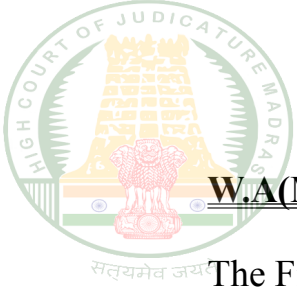
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...Respondents

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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 28.10.2025 made in W.P.(MD)No.21725 of 2025.

For Appellants	:Mr.V.Prakash Senior Counsel for M/s.Ajmal Associates
For R1	:Mr.V.Prabhakar Senior Counsel assisted by Mr.N.J.Ramachandar for Mr.V.S.Kishore Kumar
For R2	:Mr.C.Nandagopal Central Government Standing Counsel
For R3 to R6	:Mr.S.I.Muthiah Additional Government Pleader
For R14	:Mr.Chevanan Mohan for M/s.King & Partridge
For R15	:Mr.P.P.Alwin Balan
R17	:Mr.T.Pon Ramkumar



W.A(MD)No.543 of 2026:-

The Financial Administrator,
Tirunelveli Diocese, Tirunelveli District.

... Appellant

-VS.-

1.S.Jesu Jegan

2.The Deputy Moderator,
CSI Synod,
No.5, Whites Road,
Royapettah, Chennai -600 014.

3.General Secretary, (CSI) &
Honorary Secretary (CSI TA),
No.5 Whites Road, Indira Garden,
Royapettah, Chennai – 600 014.

4.The Honorary Treasurer (CSITA & CSI),
No.5 Whites Road, Indira Garden,
Royapettah, Chennai – 600 014.

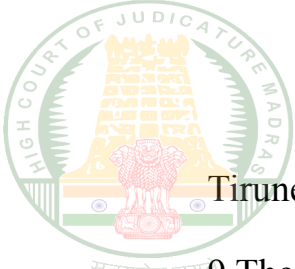
5.Rt. Rev.Dr.ARGST, Barnabas,
Bishop, Diocese of Tirunelveli,
Chairman/Manager of the Colleges of
Diocese under the Trustee T.D.T.A.,
Bishops Tower, No.15, North High Ground Road,
Palayamkottai, Tirunelveli District-627 002.

6.The Administrative Secretary,
Administrative Committee, Tirunelveli Diocese,
Tirunelveli District.

7.The Director of Collegiate Education,
577, Anna Salai, Saidapet, Chennai – 15.

8.The Regional Joint Director of Collegiate Education,

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Tirunelveli Region, Tirunelveli.

9.The District Educational Officer,
Tirunelveli.

10.The District Educational Officer,
Tenkasi.

11.J.Peter John

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 28.10.2025 made in W.P.(MD)No.17382 of 2025.

For Appellants	: Mr.S.Chellapandian
For R1	:Mr.V.Prabhakar Senior Counsel assisted by Mr.N.J.Ramachandar for Mr.K.Kaviarasan
For R2, R3 and R4	:Mr.V.Prakash Senior Counsel for M/s.Ajmal Associates
For R5	:Mr.P.P.Alwin Balan
For R6	:Mr.Kamalanathan for Ms.Ulagammal
For R7 to R10	:Mr.S.I.Muthiah Additional Government Pleader

Cont.P.(MD)No.1836 of 2026:

S.Jesu Jagan

.... Petitioner

-VS.-

1.N.G.R.Christopher Selvaraj,
Administrative Secretary,
Administrative Committee,

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CSI Tirunelveli Diocese,
North High Ground Road,
Tirunelveli.

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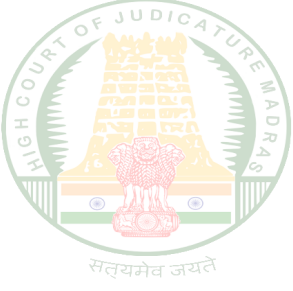
2.Anis Asir,
Financial Administrator,
Administrative Committee,
CSI Tirunelveli Diocese,
North High Ground Road,
Tirunelveli.

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.... Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Court to punish the Contemnors/Respondents under the Contempt of Court for wilful disobedience of the order of this Court in W.A.(MD)No.543 of 2026, dated 20.04.2026.

For Petitioner	:Mr.V.Prabhakar Senior Counsel assisted by Mr.N.J.Ramachandar for Mr.K.Kaviarasan
For R1	:Mr.S.Chellapandian
For R2	:Mr.T.Pon Ramkumar



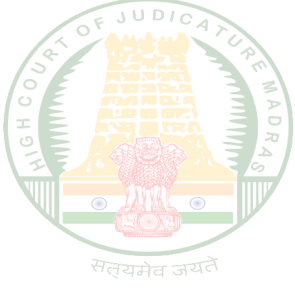
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COMMON JUDGMENT

WEB COPY (Judgment of this Court was delivered by **C.V.KARTHIKEYAN, J.**)

W.A.(MD)Nos.3079 of 2025, 3090 of 2025, 3097 of 2025 and also W.A.(MD)No.543 of 2026, all arise from a common order passed by a learned Single Judge of this Court, dated 28.10.2025 in three separate Writ Petitions, namely, W.P(MD)Nos.14342 of 2024, 17382 of 2025 and 21725 of 2025.

2.W.P(MD)No.14342 of 2024 had been filed in the nature of a Mandamus seeking a direction against the respondents, the Church of South India, represented by its General Secretary at Chennai and the Tirunelveli CSI Diocese, represented by its Bishop, Tirunelveli CSI Diocese, Tirunelveli, to hold the elections process, which was already due for the triennium 2024-27 in respect of the Pastorate Committees, Church Councils, Diocesan Council and Executive Committee of CSI Diocese of Tirunelveli by appointing an Election Officer or Committee or Administrators by this Court.



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3.W.P.(MD)No.17382 of 2025 had been filed in the nature of a Certiorarified Mandamus seeking records relating to an order, dated 22.05.2025 passed by the Deputy Moderator, CSI Synod at Chennai and to quash the same and to appoint a former Judge or Judges of this Court as Administrators for conducting the election to the Diocesan Council for the triennium 2025-2028 in accordance with the Diocesan Constitution.

4.W.P.(MD)No.21725 of 2025 had been filed again in the nature of a Certiorarified Mandamus seeking records relating to an order passed by the first respondent/the Registrar of Companies, Chennai, dated 05.09.2025 and the consequential order passed by the third respondent/the Regional Joint Director of Collegiate Education, Tirunelveli, dated 07.09.2025 and to appoint a former Judge or Judges of this Court as Administrators for conducting the election to the Diocesan Council for the triennium 2024-2027 in accordance with the Diocesan Constitution.

5.The Writ Appeals, flowing from that particular common order, namely, W.A.(MD)Nos.3079 of 2025, 3090 of 2025, 3097 of 2025 and 543



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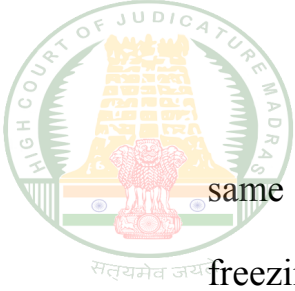
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of 2026, are taken up together for adjudication in this common judgment. It had been contended that the issue therein is dependent on the order passed in this common judgment.

6.In W.A(MD)No.543 of 2026, the appellant had also filed C.M.P(MD)No.6777 of 2026 seeking leave of this Court to appoint the Correspondents/Secretaries of the Schools/Colleges administered by the Church of South India, Tirunelveli Diocesan along with necessary teaching and non-teaching post based on the decision taken by the Administrative Committee.

7.In W.A(MD)No.3090 of 2025, C.M.P(MD)No.5431 of 2026 had been filed to implead the petitioner therein, namely, Tinnevely Diocesan Trust Association (TTDA), as a further respondent in the said Writ Appeal.

8.In W.A.(MD)No.3079 of 2025, C.M.P.(MD)No.9206 of 2026 had been filed to implead the petitioner therein, namely, Dr.Pradeep Kumar, as further respondent in the said Writ Appeal. In the same Writ Appeal/W.A. (MD)No.3079 of 2026, C.M.P.(MD)No.12222 of 2026 had been filed by the



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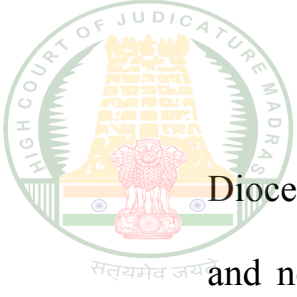
same petitioner, who had filed C.M.P.(MD)No.9206 of 2026 to direct freezing of all the sub-committee accounts of the Tirunelveli Diocesan and to block fraudulent branch-hopping or unauthorised signatory change across schedule banks.

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9.Independent of all these Writ Appeals and Miscellaneous Petitions, Cont.P.(MD)No.1836 of 2026 had been filed by the first respondent in W.A. (MD)No.543 of 2026 seeking to punish the respondents therein/the 6th respondent and the appellant in the Writ Appeal for disobedience of the order, dated 20.04.2026 passed by a Coordinate Division Bench of this Court.

10.Arguments had been advanced in all the Writ Appeals, Miscellaneous Petitions and in the Contempt Petition in common necessitating addressing the issues by this common judgment.

11.The term of the Tirunelveli Diocesan Council expired on 12.04.2024. The responsibility for conducting election for the triennium term spanning from 2024 to 2027 was on the Executive Committee of the

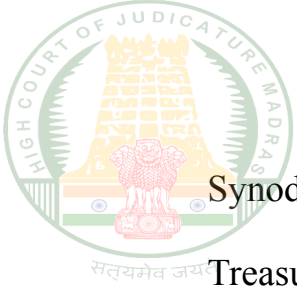


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Diocesan Council. They unfortunately, for the reasons best known to them and not explained during the course of the arguments, had not taken any steps to discharge this responsibility.

12.It must be pointed out immediately that the Church of South India (CSI) is an unregistered body originating from the American Board of Commissioners for Foreign Missions (ABCFM). In 1947, CSI was formed out of the union of four Church traditions, namely, Anglican, Methodists, Presbyterian and Congregational. The members were the residents of southern States of India and Jaffna in Sri Lanka. The apex body is the Synod, which is the highest representative body and supreme governing and legislative body. The Synod has its constitution, but it is primarily a membership of common religious faith. This religious faith alone binds the members and also the governing body. The Synod as has its members, the Diocesan Bishops, Assistant Bishops, the General Secretary and Treasurer and the President and General Secretary of the Fellowship of women and two members of the orders of sisters, Preceptors and lay persons elected and representing the Diocese and additional members appointed to the Synod by the Moderator in consultation with other Officers. The four Officers of the



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Synod are the Moderator, the Deputy Moderator, General Secretary and Treasurer. The Synod has an Executive and Working Committee.

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13.The next significant unit, but subordinate to the Synod is the Diocese, which has jurisdiction over a specific geographical area. In the instant case, we are concerned with the Tirunelveli Diocese. All the Pastorates and other institutions within the territorial jurisdiction of the Tirunelveli Diocese formed the Diocese. It is to be mentioned that including Tirunelveli Diocese, there are 24 Dioceses functioning under the Synod. Each Diocese is administered by a Diocesan Council, namely, the Bishop, the assistant Bishop, if any, all Preceptors in active service within the geographical area and lay representatives, who should be at least twice the number of Preceptors but not greater than thrice.

14.The third significant layer is the Pastorates who are part of the Diocese. Each Pastorate is governed by a Committee consisting of Preceptors in-charge, Ordained Ministers and lay representatives. The final layer is the local congregations of 50 or more baptized members.



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15.It must also be pointed out that the faithful in the Church of South India are bound by their faith in Father, the God and Jesus, the son, and the Holy Spirit. The Church of South India is believed by the faithful to be a gift of God with the principle “*that they all may be one*”. It is an autonomous Indian Church free from control in any manner of any Church or society with members having obedience to the call of Jesus Christ. It is fundamentally a congregation to create relationship to participate in the mission to attain justice and participate in the struggle for justice in the mission of God. The preamble of the constitution states that each member, power and authority should be considered as a “*means of service*”.

16.We extract the above mentioned phrase from the Constitution of the Church of South India to remind the Writ Petitioners that they should never have indulged in viewing adversarial litigations as a means to satiate their quest or hunger for vengeance over actions which they opined required attention.

17.The faith which the Writ Petitioners have bound themselves to follow in times of joy, in times of hostility, in times of sorrow, or even in

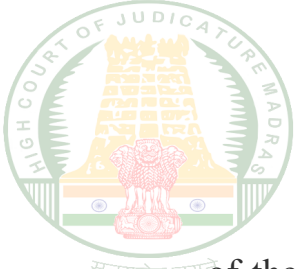


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times of anger, lead them through only one path, to forgive, to settle disputes amicably and to encourage peace and harmony. It does not lie well, if they were to ignore this alternate way of settling disputes, as provided in the Constitution of Church of South India. They must realise that the Synod, the Diocese, the Pastorates and the local congregations have to participate together towards the fulfillment of the prayer of the Lord “*that they all may be one*”. They all form one fellowship and should never be divided or be the one to encourage division. The Constitution also provides for settlement of disputes to enquire into and settle all election disputes in the Diocese at the Synod level. Any other dispute shall be settled through consultation of an Arbitrator.

18.It is thus seen that though the Church of South India is not registered under any Law or under any procedure recognised by law, they are still bound by a Constitution framed for the Synod and the Rules framed also for each Diocesan.



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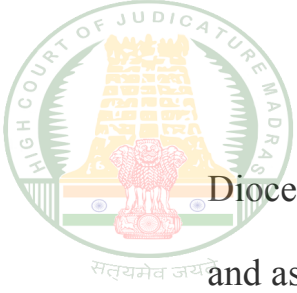
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19.It is very significant to point out that in the preamble of the Rules of the Councils and Committees of the Diocese of Tirunelveli, it had been very specifically provided as follows:

“No provision of this Constitution shall be in force if the Synod shall rule that such provision is at variance with anything contained in the Constitution of C.S.I.”

20.Thus, the Diocese of Tirunelveli should be administered in accordance with its Rules and every provisions of such Rules shall be in force only if the Synod does not disapprove of the same.

21.We are confident that no provision would be declared to be unapproved, unless, it veers from the way of faith professed and shown by the Lord. It is with much pain that we note that three separate Writ Petitions have been filed questioning the decision taken by the Synod and calling upon the Court to interfere with the same. The decision taken was with respect to the election for the Pastorates Councils, Church Councils,



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Diocesan Councils and Executive Committees of the Tirunelveli Diocese and as is always, every election process is an internal affair of the Diocesan.

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22.We again repeat that neither the Church of South India nor Synod nor any Office Bearers of the Synod nor Tirunelveli Diocese nor any member of the Diocese are registered to act as public servant under the Government or under any statute or governed or restricted in their actions in any manner whatsoever. They are bound by their faith. They are bound by their vow to uphold brotherhood. They are bound by their allegiance towards the fellowship of their religion. They are bound by their vow to follow the call of Jesus Christ. They are bound by their adherence to their Church. They are bound by their commitment to their fellow citizens to act in a spirit of humanity and openness. It is not of their ilk to act with vengeance, to take resort to express anger, to act with hostility or to cause sufferance for others or even to draw the Church to public by engaging in adversarial litigation, when a pathway of reconciliation is always available.

23.At any rate, the Tirunelveli Diocese should have held elections for the triennium 2024-27, but for reasons which we are not dwelling into, had



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not proceeded in furtherance of the same. There cannot be a stagnant situation, particularly because, there are educational institutions, Churches, orphanages, women empowerment institutions, homes for the needy and destitutes, which are run by the Tirunelveli Diocese and which required leadership which can be provided only by an elected Council lawfully in place. The Synod which is the superior body naturally has a duty to ensure that the elections are conducted.

24.It must also be pointed out that the Synod itself was mired with controversies and internal strife. This necessitated civil suits to be instituted, again at the instance of individuals, before the Original Side of the Madras High Court. Applications have been filed seeking ancillary reliefs. Allegations were raised against the Moderator of the Synod. A learned Single Judge of this Court by a very detailed order in a series of applications in three separate suits in C.S.No.86 of 2022, C.S.No.274 of 2022 and C.No.7 of 2023 had thought it fit and requisite to set aside the election of the Moderator as not valid and had also thought it fit that an Election Officer is appointed to conduct the election for the post of Moderator of the Synod for the triennium 2023-26. Probably, because of

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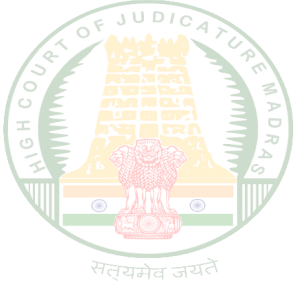
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the vacuum which existed in the Synod owing to the internecine litigation, Tirunelveli Diocese was not able to take steps to conduct the elections for the triennium 2024-27.

25.The order of the learned Single Judge appointing an Election Officer was taken up in appeal before the Division Bench in O.S.A.Nos.69 of 2022, batch. The Division Bench had not interfered with that particular order. The Division Bench had thought it necessary to appoint Administrators/two former Judges of this Court to take immediate control of the administration of the Church of South India as well as the Trust Association and to administer the same till such time the elections are held. They had also appointed Administrators to conduct election for the Synod of the Church of South India. This order of the Division Bench was taken up further in appeal before the Hon'ble Supreme Court and by an interim order, dated 22.05.2024, it had been specifically directed as follows:

“ 7..... the Administrators appointed by the High Court vide its impugned order dated 12th April, 2024, shall not take any decision either with regard to the holding election or administration



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of the Church of South India (CSI) and the CSI Trust Association till the next date of hearing.”

26. Thereafter, final orders were passed on 02.05.2025 by the Hon'ble Supreme Court, whereby, the appointment of the Administrator by the learned Single Judge had been confirmed, but restricted to the election of the Moderator alone. This effectively mean that with a Moderator in-charge, the Synod could function. Probably on that basis, the order impugned in the Writ Petition had been issued by the Synod Secretary of the Church of South India and signed by the Moderator in-charge/Deputy Moderator with copy to the Officers of the Synod, Officers/Members of the Committee.

27. By this impugned communication, dated 22.05.2025, drawing reference to the order of the Hon'ble Supreme Court, dated 02.05.2025, it had been noted that the term of the Diocesan Council of the Church of South India Diocesan of Tirunelveli had expired on 12.04.2024 and the election process for the new Diocesan Council had not commenced. It had, therefore, been stated that the new Council cannot be convened and



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therefore, the Synod shall take steps for proper administration of the Tirunelveli Diocese.

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28.It had been further stated that the Officers of the Synod, namely, the Moderator in-charge/Deputy Moderator, Chief Secretary and the Treasurer discussed the matter and were unanimous in their decision that an Administrative Committee must be appointed for the proper administration of the Tirunelveli Diocese and accordingly, an Administrative Committee with an Administrator Secretary and a Financial Administrator was appointed. It consisted of 15 members. They were responsible for the general management and good governance of the Diocese and to function in accordance with the Constitution of the Church of South India and Tirunelveli Diocese. They should also arrange to convene and complete the election process and convene the new Diocesan Council for the remainder of the triennium 2024-27. It was also provided that the Bishop of the Tirunelveli Diocese will be the Chairman of the Administrative Committee. This decision of the Officers of the Synod was put to challenge before the learned Single Judge, as mentioned above in three separate Writ Petitions.



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29.The three Writ Petitioners were members of the faith. They were bound by a common principle of brotherhood to spread peace and harmony among each other acting under the faith in the Lord. There were alternate avenues through which they could have raised the issue, as provided under their own Rules. They could have sought clarification. They could have considered the clarifications received. They could have permitted the Committee to function and then pointed out the lacuna in the formation of such Committee. They, however, filed Writ Petitions. We wonder whether their act of questioning a purely internal circular or a communication from the Synod, which is not a registered under any Government or Rule or procedure or regulation, could be subjected to the jurisdiction under Article 226 of the Constitution of India. We shall address this issue later.

30.However, the learned Single Judge was of the opinion that the Writ Petitions are maintainable owing to a Full Bench judgment reported in **2024 (2) CTC 369**, in the case of **D.Bright Joseph -vs.- Church of South India**, which laid down that a Writ Petition against the Church of South India was maintainable primarily because they run educational institutions and that any act impairing/impacting the process of electing the Synod

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would have an impact on the quality and standard of the institutions/hospitals and that therefore, they are amenable to Writ jurisdiction, but never addressing the issue whether private internal communication regarding internal administration would also be subjected to the Writ jurisdiction.

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31.At any rate, having found that the Writ Petitions are maintainable and having found that the period of the Council had expired on 12.04.2024 and having come to the conclusion that all is fair in love and war, but that it cannot be accepted that all is fair in election also, when the integrity of the electoral process is challenged and holding that it was the duty of the Court to repel the same, a retired Judge of this Court was appointed to administer and conduct the elections. This decision of the learned Single Judge has been put to test in the present Writ Appeals.

32.We had the benefit of hearing arguments advanced by Mr.V.Prakash, learned Senior Counsel for the appellant/Synod of Church of South India and by Mr.V.Prabhakaran, learned Senior Counsel for the Writ



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Petitioners and Mr.M.Kamalanathan, learned Counsel for the Tirunelveli Diocese.

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33.Mr.V.Prakash, learned Senior Counsel took umbrage one the decision of the learned Single Judge by arguing that the Synod and the Diocese are institutions which could take care of their affairs by themselves and do not require an Administrator to conduct elections. He did not question the status or integrity of the Administrator, but questioned the very rationale behind such appointment. He pointed out the provisions of the Constitution of the Synod and the Rules of the Tirunelveli Diocese and argued that it was an agreement among the members without any registration or regulation by any Government authority or body and therefore, contended that if there were differences or opinion differs, they should be examined within the body and the issues should not flow out.

34.The learned Senior Counsel pointed out that the Administrative Committee appointed by the Officers of the Synod was only temporary with ultimate object to conduct elections, which was also the object of the Administrator appointed by the learned Single Judge and stated that in the

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interregnum period, under the chairmanship of the Bishop of Tirunelveli Diocese, who will even otherwise be steering the affairs, the Committee would be administering the Tirunelveli Diocese. They shall be answerable to the Synod. It had been actually provided in the impugned circular that the Bishop should send a report to the Moderator in-charge/Deputy Moderator about the working of the Administrative Committee from time to time.

35.He pointed out that the Administrative Committee will necessarily have to function within the four corners of the Rules of the Tirunelveli Diocese and wondered as what was wrong with the formation of the Administrative Committee. They were just a body in place to bring about order to ensure the smooth functioning of the Diocese. They will function only till election process is completed. He brushed aside the arguments advanced that it is an interference with the functioning of the Diocese. His primary argument was that the Synod and the Diocese were all members of one common faith and there are no two separate organizations. The layer of the organization may differ, but they all are bound by their faith in brotherhood and in faith of the Lord. He therefore found fault in differentiating and dividing the Church of South India vertically and putting



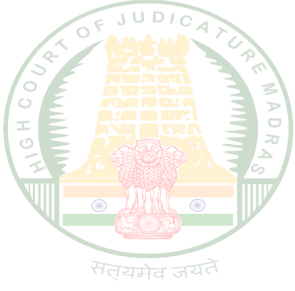
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each diocese on a separate individual platform. He argued that they were all under one branch and therefore, pointed out that there was no need to interfere with the order impugned in the Writ Petition.

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36.Mr.V.Prabhakar, learned Senior Counsel for the Writ Petitioners, however, disputed the said contentions. He pointed out the authority given the Administrative Committee and stated that the Administrative Committee had been formed with a specific agenda to interfere with the functioning of the Diocese. A Financial Advisor had been nominated who would enquire into the financial aspects. There were also persons with tainted background. The learned Senior Counsel stated that there was no reason why the appellants should feel shy of the appointment of an independent Administrator, who after all was a former Judge of this Court and with his experience would conduct the elections in a proper and effective manner. It was pointed out that the appointment of a neutral individual would bring about confidence among the members of the congregation and they would be confident that the issues would be handled in manner known to law and in accordance with law. He therefore argued that the order of the learned Single Judge does not warrant any interference.

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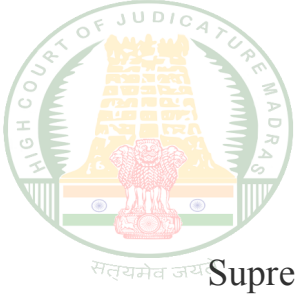
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37.Mr.Kamalanathan, learned Counsel for the Diocese supported the arguments of Mr.V.Prakash, learned Senior Counsel and supported the formation of the Administrative Committee to run the Tirunelveli Diocese for a temporary period till the elections are conducted for the Diocese.

38.We have carefully considered the arguments advanced and perused the material records.

39.The three Writ Petitions have been filed by three separate Writ Petitioners, who claim to be Congregation members of their respective Pastorate under the Tirunelveli Diocese and therefore, claim interest in the functioning of the Tirunelveli Diocese. They admitted that the election had not been conducted, as should have been for the triennium year 2024-27. There was a vacuum in Tirunelveli Diocese, since owing to the issues which had arisen in the Synod of Church of South India, the election could not be organised or conducted.

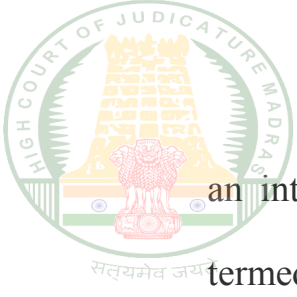


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40.The issues relating to the Synod touched the portals of the Hon'ble Supreme Court. There were allegations against the Moderator of the Synod and limiting conducting of election for the post of the Moderator, the Hon'ble Supreme Court had appointed an Administrator to oversee that process. There was a direction by the Division Bench in the said process to appoint a Judge Administrator to administer the functioning of the Synod and in effect, the Church of South India. That decision of the Division Bench was set aside by the Hon'ble Supreme Court by judgment, dated 02.05.2025. Thereafter, by the order of the Hon'ble Supreme Court, the issues in the Synod had been cleared. The Synod then turned its attention to the elections, which had not been conducted for the Tirunelveli Diocese for the Triennium 2024-27.

41.The Synod had forwarded a communication to the Bishop of the Tirunelveli Diocese, dated 22.05.2025. The Writ Petitioners viewed this particular communication issued by the Moderator in-charge as violating their fundamental rights necessitating the filing of the Writ Petitions questioning the said communication. We are unable to fanthom as to how

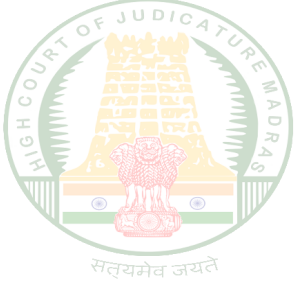


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an internal communication with an object to conduct elections could be termed violative of the fundamental rights of the Writ Petitioners.

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42.The learned Single Judge had touched upon the Rules regarding the elections to be conducted for the Tirunelveli Diocese and also the authority of the Moderator in-charge to issue such a letter and had therefore, directed appointment of a Judge Administrator to conduct election. We do not agree with such view of the learned Single Judge. If the communication had been issued without any authority or if proper ratification is required, then, the Court should have permitted such ratification and let matters rest and permit the Church of South India to function by itself and within itself without outside interference. It must be again pointed out that the Church of South India is not registered under any law of the land. It is just a body of men and women professing the same faith and in order to regulate themselves and to bring about unity, the Church of South India had framed its Constitution and Rules for the Diocese for the respective geographical region. But the Synod is the Supreme body. It could require regulations being put in place. The authority of the Synod over the Diocese could never be questioned and should not be permitted to be questioned.



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43.The Church discipline is an integral part of Christian faith. We hold that if the Writ Petitioners have a grievance, they could have resorted to the internal disputes resolution system available in the Constitution of the Church of South India. Elections are required to put in place a Committee for the Diocese and it is with that object, that the communication, dated 22.05.2025 had been issued by the Synod Secretary of Church of South India.

44.The Rules of the Council and Committees of the Diocese of Tirunelveli or for the matters of any other Diocese functioning under the umbrella of Synod/Church of South India, can never prevail, if they are at variance with any of the provisions of the Constitution of the Church of South India. This brings about a definite structured layer of control exercised by the Church of South India, in effect by the Synod, over the functioning of a Diocese.

45.The impugned communication had been issued by the Moderator in-charge, the General Secretary and the Honorary Treasurer and if their



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authority is to be questioned, it is a rectifiable aspect and the letter could have been forwarded for further ratification by a wider group of Council members. It is purely an internal matter of Synod. It does not require the interference of the Court, to appoint a Judge Administrator. The impugned communication is very clear. In fact, it is extremely respectful of the authority and power and also to a little extent, the independence of the Tirunelveli Diocese. The Administrative Committee had been appointed by the said communication and by the said communication, the Bishop of the Tirunelveli Diocese, has been nominated as the Chairman. There are also representatives of the Madras Diocese and Tuticorin-Nazrath Diocese in the Administrative Committee.

46. There could be allegation against the conduct of the individual members, but that does not mean that the entire Administrative Committee should be wiped out and a Judge Administrator should be appointed. The Court should exercise restraint. Interference in matters of religious affairs should be avoided. The Court could have sought further clarification from the Synod. The Court could have sought replacing a few members with others by common consent. The Constitution trusts that the Court upholds



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and protects freedom and every right provided under the Constitution.

There should be liberty of faith and worship. There should be an endeavor to promote fraternity amongst all citizens. When this is one of the avowed objects of the institution vested with a duty to protect its members and to ensure that all members profess their faith with dignity, such object could be achieved only when leverage is granted to the institution to function with autonomy, so long as they do not violate any law of the land. By the impugned communication from the Synod, we are not able to understand as to what law of the land had been violated or what freedom of the three Writ Petitioners had been affected.

47. Chapter IX of the Constitution of the Church of South India relates to Synod. The Synod is the highest representative body of the Church of South India and its supreme governing and legislative body. It is the visible symbol of the unity of the Church. These words in Chapter - IX “*visible symbol of its unity*” are very significant. There could be unity only when there is adherence to Church discipline particularly in Christian faith. There could be aberrations but primarily, there must be an intention to be united. If for some reason, disjointedness occurs the faithful should be ready to re-



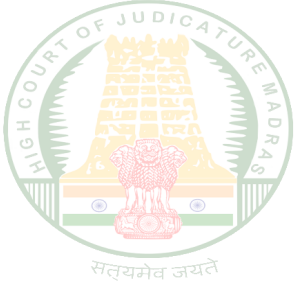
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unite again. The members of the Synod have been stipulated in Chapter-IX of the Constitution. The Officers shall be Moderator, Deputy Moderator, General Secretary and Treasurer. The manner in which they are appointed has also been provided. It had been further provided in Clause 15 of the Chapter IX, as follows:

“15.The Synod shall deal with matters of common interest to the whole Church of South India and with those which affect the relation of the diocese to one another and to rest of the universal Church, and shall leave the Diocesan Councils to deal with the internal affairs of each diocese.

(a) The Synod Executive Committee / Working Committee / Officers shall have the power to call for particulars relating to the administration and financial management of a diocese from the Bishop whenever required. If for any reason the Bishop of the Diocese is unable to furnish the particulars, the same may be called for from the Officers of the Diocese and such information shall be furnished. (S.80:20)

(b) If, at any time, the Synod Executive / the Working Committee / the Officers of the Synod are convinced that the situation of administration and financial management in a particular diocese needs the assistance of the Synod, the Working Committee shall, without delay, take appropriate action in consultation with the Executive Committee of the Diocese concerned, for restoring sound administration and financial management. The report of any such action shall be submitted to



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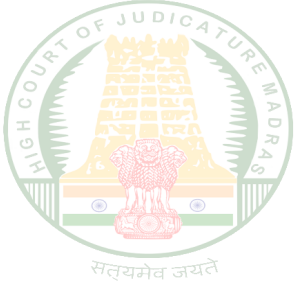
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the Synod Executive Committee for review, within a period of six months, if necessary by a special meeting. (S.80:20)

(c) When the Synod or the Synod Executive is satisfied that a Diocesan Council is unable or unwilling to perform its functions as laid down in this Constitution or in the Constitution of the Diocese, it may, on the recommendation of the Bishop of the Diocese or the Diocesan Executive or the Moderator, take such steps as it considers necessary for the good administration of the internal affairs of the Diocese; provided that action under this clause shall require the consent of three-fourths of the members present and voting excluding the elected representatives of the Diocese concerned and shall remain in force only until the next meeting of the Synod. (S.50:36)”

48.It had been further provided in Clause 16 and 17, as follows:

“16.The Synod has in particular power to determine the number and boundaries of the the diocese and to form new Dioceses in the Church. The Executive Committee which is the ad-interim committee of the Synod (2015) has also power to determine whether any provision in the Constitution of any Diocesan Council is at variance with the provisions contained in this Constitution, and if it finds such variance to rule that such part of the Diocesan Constitution is of no force.



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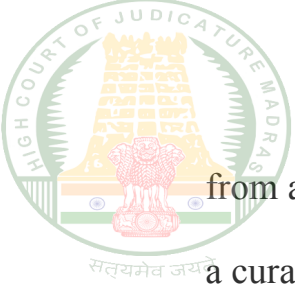
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17. The Synod has power to add to or otherwise alter the Constitution of the Church of South India in the manner laid down in Chapter XIII of this Constitution.

It has final authority in all questions of the interpretation of the Constitution and other official documents of the Church of South India.”

49.A careful perusal of the aforementioned provisions would indisputedly indicate that the Synod has authority to exercise administrative and financial management of Diocese. If the Diocese for some reasons, was not able to call for elections and in this case for the triennium 2024-27, the members expect the Synod to step-in and guide the Diocese in conducting elections. Nobody expects third party interference in the internal affairs of the Church. The three Writ Petitioners are the sole exceptions.

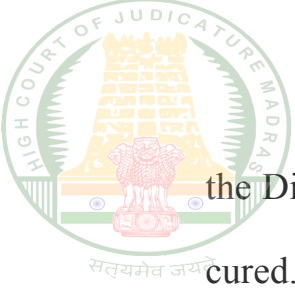
50.We have carefully perused the orders of the learned Single Judge. He had proceeded on the basis that the communication impugned had been issued without appropriate authority. If that be so, then, by giving due respect to the Constitution of the Church of South India and to the congregation, it being an internal issue, ratification could have been sought



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from any of them or from whosoever has to ratify the decision taken, as it is a curable aspect. The fact that the Synod has authority to administer Diocese temporarily till elected officers are put in place can never be questioned by the Diocese themselves. The Bishop of the Diocese would be the Chairman of the Administrative Committee. We hold that the learned Single Judge was swayed by the various allegations levied, which are only common in any institution, but ultimately, the Court has a duty to protect unity among the members of every institution. It should also have been examined whether the communication was amenable to Writ jurisdiction.

51.The learned Single Judge had placed reliance on the Full Bench judgment of this Court reported in **2024 (2) CTC 369**, in the case of ***D.Bright Joseph -vs.- Church of South India***, to hold that a Writ is maintainable against the Church of South India. We are not raising any quarrel over that principle, but whether this particular communication is amenable to Writ jurisdiction was the issue before the learned Single Judge and we hold that it is doubtful whether this particular stray communication from the Synod to the Diocese is amenable to the Writ jurisdiction. The impugned communication is an internal communication from the Synod to



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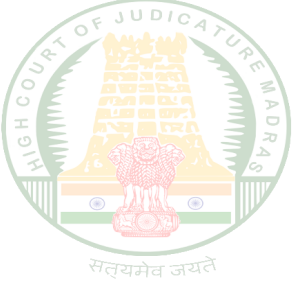
the Diocese and if clarifications are required, it could have been sought and cured. It would have been in the interests of all, that matters are left within the confines of the Church and not outside.

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52.We are convinced that the learned Single Judge has misdirected himself owing to the pronouncement of the Full Bench by taking jurisdiction over an internal communication and exercising the jurisdiction vested under Article 226 of the Constitution of India. That particular communication should have been examined independently to determine whether the Court could exercise its authority vested under Article 226 of the Constitution. There was no public duty involved or public function involved in the issuance of such communication. It is purely an internal communication. We hold that the common order passed by the learned Single Judge in the three Writ Petitions has to be set aside and accordingly, we set aside the common order. The Writ Appeals stand allowed.

C.M.P(MD)No.5431 of 2026 in W.A.(MD)No.3090 of 2025:-

53.This Petition has been filed to implead the petitioner as a further respondent in W.A(MD)No.3090 of 2025.



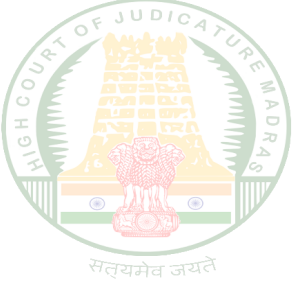
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54.In the affidavit filed in support of this petition, it had been contended that the petitioner is functioning as the Treasurer, Tinnevely Diocesan Trust Association and that the said Association had not been impleaded as a party in the Writ Petition. It is stated that the petitioner aligns himself with the cause of the Writ Petitioners seeking appointment of a Judge Administrator to conduct election for the Tirunelveli Diocese. There is no further additional materials produced by the petitioner to substantiate the claim. Since orders had been passed allowing the Writ Appeals, this petition is dismissed as superfluous.

C.M.P.(MD)No.6777 of 2026 in W.A.(MD)No.543 of 2026:-

55.This petition had been filed seeking leave to the petitioner, Administrative Secretary of the Administrative Committee of the Tirunelveli Diocese, who is the 6th respondent in the said Writ Appeal, to appoint Correspondents/Secretaries of the Schools and Colleges administered by the Church of South India Tirunelveli Diocese and also to appoint necessary teaching and non-teaching staff on the basis of the decision taken by the said Administrative Committee.



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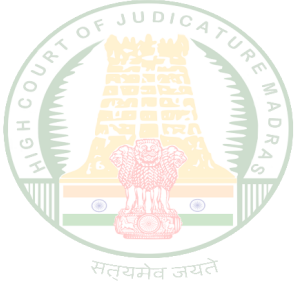
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56.It had been contended that the Schools and Colleges, which are functioning under the aegis of Tirunelveli Diocese, have various posts, which have to be necessarily filled up for their smooth functioning and therefore, permission is required for appointment of such staff.

57.In the main Writ Appeals, we had passed orders confirming the communication of the Synod of the Church of South India, dated 22.05.2025, appointing an Administrative Committee to administer the Tirunelveli Diocese till elections are conducted. If permission, as sought by the petitioner is granted, it would only lead to conflicting decisions being taken and therefore, we are not inclined to grant such permission as sought. Therefore, this petition stands dismissed. However, the Administrative Committee, as appointed in the communication, dated 22.05.2025, may take appropriate decision.

C.M.P.(MD)No.9206 of 2026 in W.A.(MD)No.3079 of 2025:-

58.This petition has been filed seeking to implead the petitioner herein as further respondent in W.A.(MD)No.3079 of 2025.



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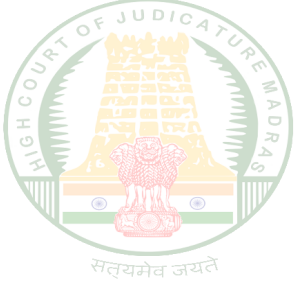
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59.The petitioner has raised a long list of grievances and it is clear that he has inimical intentions as against everybody connected with Tirunelveli Diocese. He is a person with much grievances. We are not inclined to allow this petition, as we have already passed orders in the main Writ Appeals. Hence, this petition stands dismissed as superfluous.

C.M.P.(MD)No.12222 of 2026 in C.M.P.(MD)No.9206 of 2026 in
W.A.(MD)No.3079 of 2025:-

60.This petition has been filed by the petitioner in C.M.P.(MD)No. 9206 of 2026 seeking an immediate freeze of all the accounts of the Sub Committees of Tirunelveli Diocese Trust Association.

61.The *bona fide* of the petitioner is deeply suspect. We had passed orders in C.M.P.(MD)No.9206 of 2026 dismissing the said petition. In view of the said order, the petitioner herein has no legs to stand. Hence, this petition is dismissed.



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W.A.(MD)No.3079 of 2025 and batch**Cont.P.(MD)No.1836 of 2026:-**

62.This petition has been filed by the petitioner, who was the Writ Petitioner in W.P.(MD)No.17382 of 2025 and the first respondent in W.A(MD)No.543 of 2026.

63.He has alleged that there is non compliance of the interim order of the Coordinate Division Bench of this Court, dated 20.04.2026 directing appointment of a former Judge of this Court to conduct the process of elections for the Tirunelveli Diocese.

64.We had allowed the Writ Appeals and dismissed the Writ Petition. The order of the Coordinate Division Bench of this Court dated 20.04.2026 no longer survives and consequently, the Contempt Petition necessarily has to suffer an order of dismissal and the same is dismissed.

65.In fine:

1)The Writ Appeals in W.A.(MD)Nos.3079, 3090 and 3097 of 2025 and 543 of 2026 stand allowed;



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2)The Writ Petitions in W.P(MD)Nos.14342 of 2024, 17382 of 2025 and 21725 of 2025 are dismissed.

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3)C.M.P(MD)No.5431 of 2026 in W.A.(MD)No.3090 of 2025 dismissed as superfluous;

4)C.M.P.(MD)No.6777 of 2026 in W.A.(MD)No.543 of 2026 stand dismissed;

5)C.M.P.(MD)No.9206 of 2026 in W.A.(MD)No.3079 of 2025 stand dismissed;

6)C.M.P.(MD)No.12222 of 2026 in C.M.P.(MD)No.9206 of 2026 in W.A.(MD)No.3079 of 2025 is dismissed;

7)Cont.P.(MD)No.1836 of 2026 is dismissed;

8)No order as to costs; and

9)Consequently, connected miscellaneous petitions are closed.

Postscript:-

66.We would necessarily have to add a postscript in view of the Full Bench judgment reported in **2024 (2) CTC 369**, in the case of ***D.Bright Joseph -vs.- Church of South India***, since we hold that a clarification is required, when an issue relating to the Church of South India, which is



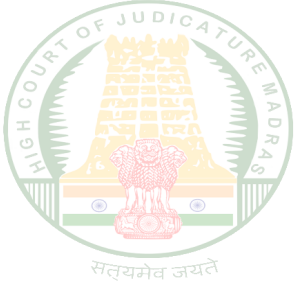
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purely an internal issue like an election issue could be amenable to Writ jurisdiction under Article 226 of the Constitution of India. The said jurisdiction is extremely limited when applied to internal communication and should be normally avoided.

67.We had allowed the Writ Appeals holding that the Synod is the supreme body to the Diocesan and therefore, had authority to issue the communication impugned, appointing an Administrative Committee to administer the affairs of the Tirunelveli Diocese and also to conduct elections for the Diocesan Council. This Administrative Committee is only an interim, internal arrangement, till the elections are conducted.

68.The Writ Petitions, from which these Writ Appeals emanate have been filed challenging issuance of such a communication by Synod to the Tirunelveli Diocese. We have held that this communication is purely an internal communication from the Synod to the Diocese and that therefore, the Writ Petitioners cannot have and cannot raise any qualm about the same. We have also examined and affirmed the authority of the Synod to intervene in the matters of the Diocesan, if a vacuum is created in the administration.



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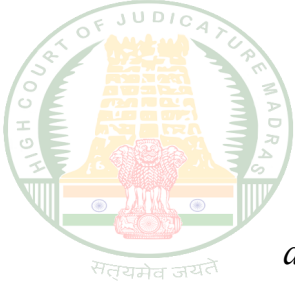
69.Be that as it may, the issue of maintainability of the Writ Petitions have been raised before the learned Single Judge, who had refused to entertain such a plea on the ground that a Large Bench of this Court, reported in **2024 (2) CTC 369**, in the case of ***D.Bright Joseph -vs.- Church of South India*** had pronounced a verdict and therefore held that the Writ Petition is maintainable against the Church of South India.

70.The Full Bench had come to that conclusion on the basis of their reasoning, which had been summarized by them as follows:

“31. To summarize the issue now in reference, it can be stated that:

32. (i) the respondents 1 and 2 are running 2300 schools, 150 colleges and 104 hospitals in India. Therefore, the 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.



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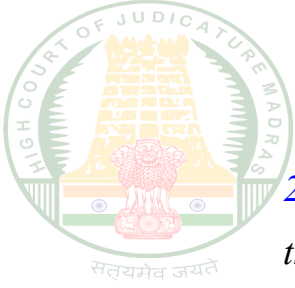
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(iii) *Since the educational institutions run by respondents 1 and 2, both aided as well as unaided, are bound by statutory regulations of varying degrees, they are amenable to the writ jurisdiction. Any act of the management who are in administration 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*



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226 of the [Constitution of India](#) to ensure the due compliance of this public duty.

33. 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.

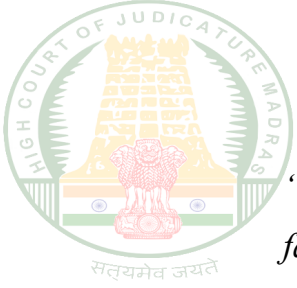
34. In fine, the reference is answered as stated in paragraph 24.

71.The reference before the Hon'ble Full Bench was as follows:

8. Therefore, the short question placed for reference before us is: "Would a writ petition invoking the jurisdiction of this Court under Article 226 of the [Constitution of India](#) lie against the CSI which is only a private body and if so to what extent/circumstances such writs would lie."

72.The Hon'ble Full Bench had also in paragraph No.34, extracted *supra*, stated that the reference is answered as stated in Paragraph No.24, which is as follows:

*24. The Scope of this article has been expounded in the decision of the Hon'ble Supreme Court authored by the **Justice Subha Rao** in *Dwarka Nath v. Income Tax Officer*, [1965 SCC OnLine SC 61](#) : AIR 1966 SC as follows:*



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“4.....This article is couched in comprehensive phraseology and it ex facie confers a wide power on the High Courts to reach injustice wherever it is found. The Constitution designedly used a wide language in describing the nature of the power, the purpose for which and the person or authority against whom it can be exercised. It can issue writs in the nature of prerogative writs as understood in England; but the scope of those writs also is widened by the use of the expression “nature”, for the said expression does not equate the writs that can be issued in India with those in England, but only draws an analogy from them. That apart, High Courts can also issue directions, orders or writs other than the prerogative writs. It enables the High Courts to mould the reliefs to meet the peculiar and complicated requirements of this country. Any attempt to equate the scope of the power of the High Court under Article 226 of the Constitution with that of the English Courts to issue prerogative writs is to introduce the unnecessary procedural restrictions grown over the years in a comparatively small country like England with a unitary form of government to a vast country like India functioning under a federal structure. Such a construction defeats the purpose of the article itself.”

73.In the extracted portion *supra*, the Hon'ble Supreme Court was examining an appeal from the High Court of Allahabad, which has been filed for a Certiorari to quash an order of the Income Tax Commissioner, Lucknow, dated 28.03.1957 and the order of the Income Tax Officer, dated 28.09.1955 and also for a Writ of Mandamus seeking a direction to the

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Commissioner to pass a fresh order in accordance with another decision of the Bombay High Court and to direct the Income Tax Officer to pass a fresh order in accordance with law and to issue a notice of demand, as required by Section 29 of the Income Tax Act.

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74.The High Court dismissed the said application in limine on three grounds, which were as follows:

“(1) the affidavit filed in support of the writ petition was highly unsatisfactory and on the basis of such an affidavit it was not possible to entertain the petition;

(2) the facts given in the affidavit were incomplete and confused; and

(3) even on merits, there was no force in the revision petition.”

75.This appeal was resisted by the learned Counsel for the Revenue by raising a preliminary objection that the order of the Commissioner under Section 33A of the Income Tax Act was an administrative Act and that therefore, no Writ of Certiorari would lie to the High Court to quash that order under Article 226 of the Constitution. It was under those

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circumstances, while examining the scope of Article 32 of the Constitution that the Hon'ble Supreme Court had held that a Writ could be issued, since it moulds the relief to meet peculiar and complicated requirements. It was not an issue of exercising the Writ jurisdiction against a private entity. It was held that the Writ jurisdiction could be exercised, even against an administrative order of the Commissioner of the Income Tax, who is a public authority.

76. Therefore, we are of the considered opinion that the Full Bench in their judgment in ***D.Bright Joseph***, referred *supra*, had unfortunately, misdirected themselves on this issue.

77. Further, the Full Bench also referred to the judgment of the Hon'ble Supreme Court, reported in **(2023) 4 SCC 498** in the case of ***St.Mary's Education Society -vs.- Rajendra Prasad Bhargava*** and had extracted the following portion:

27. In the judgment of the Hon'ble Supreme Court in the case of St. Mary's Education Society v. Rajendra Prasad Bhargava, (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



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unaided minority institution. The learned Judges had posed the following question to themselves.

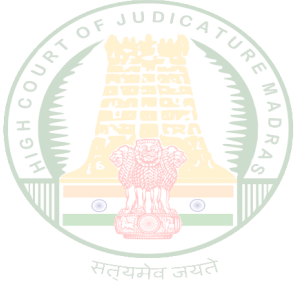
“Even if a body performing a public duty is amenable to writ jurisdiction are all its decisions subject to judicial review or only these decisions which have a public element therein can be judicially reviewed under the writ jurisdiction?”

28. 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.”

29. 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



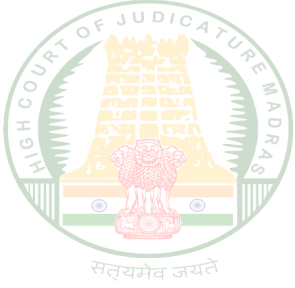
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or public functions. The public duty cast may be either statutory or otherwise and where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. Similarly, for ascertaining 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 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

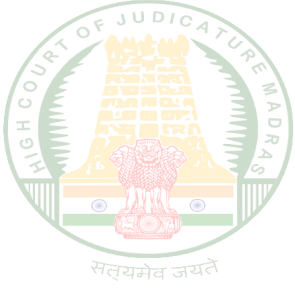


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or controlled by the statutory provisions. An educational institution may perform myriad functions touching various facets of public life and in the societal sphere. While such of those functions as would fall within the domain of a “public function” 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 non-teaching 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 non-teaching 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



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will be on the ground of breach of law and not on the basis of interference in discharge of public duty.”

78.A careful perusal would indicate that the ratio held in ***St.Mary's Education Society case***, referred *supra* was that a body should be performing a ***public duty*** and that a decision which they had taken which has a ***public element*** which can then an be judicially reviewed. The key aspect is therefore there should not only be a ***public duty***, but a decision which is sought to be questioned under Writ jurisdiction should be of ***public element***. It is also to be noted that the public duty should be to achieve an object for the collective benefit of the public. Therefore, it had been very categorically held that there must be a ***public law element in the action complained***. It had also been stated that “***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.***”

79.It is thus seen that the Hon'ble Supreme Court had been extremely careful and had stated that if the action complained is not governed by statutory provisions, they remain in the realm of an ordinary contract of

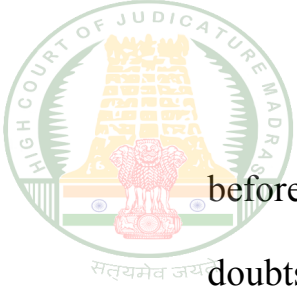


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service. We hold that again the Full Bench had misdirected themselves by not examining whether the communication issued by the Synod in exercise of the right given under their Constitution is controlled by statute. The answer is **no**. The Church of South India is not a registered body. The Tirunelveli Diocese is not a registered body. The members are bound by their faith. They have to maintain a discipline towards the Church. The Constitution is not registered under any authority. The Rules and Regulations of the Tirunelveli Diocese are also not registered with any authority. The Office Bearers of the Synod or of the Tirunelveli Diocese are not controlled by any statute or by any law. They are not public servants. Thus, the direction to conduct elections by appointing an Administrative Committee by the Synod is purely an internal affair.

80.The Full Bench had stated that the elections to the Synod would affect the Schools and Colleges and therefore, would be subject to Writ jurisdiction. We do not agree with that observation, which actually was a stray observation by the Full Bench. The elections are only to administer the Synod and the Tirunelveli Diocese. It should also to be noted that when the Synod elections were questioned, a Civil Suit had alone been filed



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before the Original Side of the High Court. We therefore have strong doubts over the correctness of the reasoning given by the Full Bench.

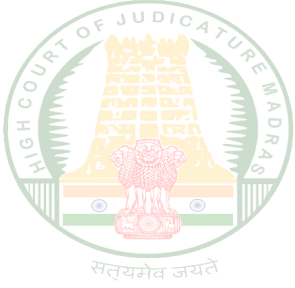
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81. Quite apart from the above reasoning, we should refer to the judgment of the Hon'ble Supreme Court reported in **(2019) 16 SCC 309** in the case of ***Ramakrishna Mission and another -vs- Kago Kunya and others***, wherein, after referring to a catena of judgments, the Hon'ble Supreme Court had held as follows:

“34. Thus, contracts of a purely private nature would not be subject to writ jurisdiction merely by reason of the fact that they are structured by statutory provisions. The only exception to this principle arises in a situation where the contract of service is governed or regulated by a statutory provision.”

82. One of the judgments which the Hon'ble Supreme Court had considered had been extracted in Paragraph No.24, which is as follows:

*“24. In **G. Bassi Reddy v. International Crops Research Institute** [**G. Bassi Reddy v. International Crops Research Institute, (2003) 4 SCC 225**] , a two-Judge Bench of this Court dealt with whether the International Crop Research Institute for the Semi-Arid Tropics (ICRISAT) which is a non-profit research and training centre, is amenable to the writ jurisdiction under Article 226. The dispute*



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concerned the termination of employees of ICRISAT. The Court held that only functions which are similar or closely related to those that are performed by the State in its sovereign capacity qualify as “public functions” or a “public duty” : (SCC p. 237, para 28)

“28. A writ under Article 226 can lie against a “person” if it is a statutory body or performs a public function or discharges a public or statutory duty ... ICRISAT has not been set up by a statute nor are its activities statutorily controlled. Although, it is not easy to define what a public function or public duty is, it can reasonably be said that such functions are similar to or closely related to those performable by the State in its sovereign capacity. The primary activity of ICRISAT is to conduct research and training programmes in the sphere of agriculture purely on a voluntary basis. A service voluntarily undertaken cannot be said to be a public duty. Besides ICRISAT has a role which extends beyond the territorial boundaries of India and its activities are designed to benefit people from all over the world. While the Indian public may be the beneficiary of the activities of the Institute, it certainly cannot be said that ICRISAT owes a duty to the Indian public to provide research and training facilities.”

Applying the above test, this Court upheld the decision of the High Court that the writ petition against ICRISAT was not maintainable.”

83.It is thus seen that when a service is rendered voluntarily, it will not be a public duty. It is not a duty amenable under Writ jurisdiction. In



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view of the aforementioned pronouncements of the Hon'ble Supreme Court, we hold that the decision of the Full Bench referred supra, requires to be revisited. We are very conscious of the fact that an appeal had been filed against the judgment of the Full Bench and the Hon'ble Supreme Court had refused to interfere with the same. But, we must also point out that the Hon'ble Supreme Court in ***S.L.P.(C)No.13398 of 2024***, by order, dated 08.07.2024, in the case of ***Vimal Sukumar -vs.- D.Bright Joseph and others***, had observed as follows:

“2.We are not inclined to interfere with the impugned order passed by the High Court and, therefore, the Special Leave Petition is dismissed, however, the question of law involved is kept open.”

84.The question of law involved had been kept open by the Hon'ble Supreme Court.

85.The question of law is whether “a Writ Petition would lie against internal communication of the Church of South India to its Diocese where



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there is no public duty or public element involved and if so, to what extent/under what circumstances, such Writs would lie?"

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86.The Hon'ble Supreme Court had kept this question of law kept open. We would therefore direct the Registry to place this judgment before the Hon'ble The Chief Justice with a request that a Larger Bench may be formed to re-examine the answer to the aforementioned question of law by the Full Bench reported in **2024 (2) CTC 369**, in the case of ***D.Bright Joseph -vs.- Church of South India.***

[C.V.K., J.] & [R.S.V., J.]
29.09.2026

Internet : Yes/No
Index : Yes/No
NCC : Yes/No

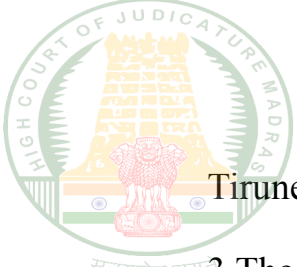
cmr

To

1.The Director of Collegiate Education,
577, Anna Salai, Saidapet,
Chennai – 600 015.

2.The Regional Joint Director of Collegiate Education,

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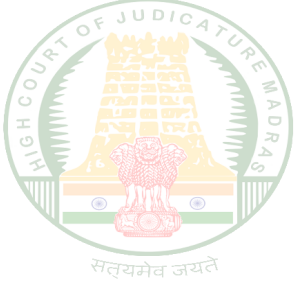


Tirunelveli Division, Tirunelveli.

3.The District Educational Officer,
Tirunelveli.

4.The District Educational Officer,
Tenkasi District.

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C.V.KARTHIKEYAN, J.

AND

R.SAKTHIVEL. J.

cmr

Common judgment made in
W.A(MD)Nos.3079, 3090 and 3097 of 2025 and 543 of 2026
and
CONT.P.(MD)No.1836 of 2026

29.09.2026