

From

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SATANKULAM – 628 704,  
Thoothukudi District

To

1. The Secretary to Tamil Nadu Government  
School Education Department  
Chennai – 600 009
2. The Director of School Education,  
College Road, Chennai – 600 006
3. The Director of Elementary Education,  
College Road, Chennai – 600 006
4. The District Collector, Thoothukudi District,  
Thoothukudi
5. The District Registrar, Society Registration,  
Thoothukudi, Thoothukudi District
6. The Chief Educational Officer,  
Thoothukudi – 628 003
7. The District Educational Officer,  
Thoothukudi – 628 003
8. The Tuticorin Diocesan Association  
Bishop's House, Thoothukudi – 628 001
9. The Correspondent, St. Mary's Higher Secondary School,  
Pothakalanvilai – 628 702

Sirs/Madam,

**Sub:- Notice Under Section 80 CPC**

- Ref:**
1. Writ Petition No. 4478/1974 and others in the batch case including  
W.P. 570/1975 – order dated 17.12.1975
  2. Letter from the Deputy Secretary of Tamilnadu Government – Letter  
No. 51159/RD2/76/dated 21.06.76
  3. Proceedings of the Director of School Education R.C.No.24541-G3/76  
Dated 20.11.1976
  4. Writ Petition No. 4478/1974 and others in the batch case including  
W.P. 570/1975 – order dated 10.10.2012

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1. I state that “The Tuticorin Diocesan Association” was registered as a Society under Societies Registration Act 1860 (Act XXI of 1860) under S.No.1 of 1937-38 dated 14.04.1937. The said society runs schools with recognition and grants from the government. The said society states that it got minority status. But so far it has not shown the document as proof for minority status to anybody. No.1 to 9 of you do not have any document to prove that the above society has minority status. But all of you are treating the above society as minority management. No.1, 2, 3, 6 & 7 of you are giving all facilities and privileges to the schools being run by the society on the basis of minority status. No endowment was deposited for the schools being run by the society as in the case of other private schools.

2. I state that, earlier, a batch of cases relating to minority right was disposed by the Hon’ble Madras High Court on 17.12.1975. On the basis of the Court order the 1<sup>st</sup> of you are said to have sent the 2<sup>nd</sup> letter under reference. On the basis of the 2<sup>nd</sup> letter, the 2<sup>nd</sup> of you are said to have sent communications in this regards through the proceedings which is under reference No.3. The letter is a publication of a private concern. The letter contains several numbers of Writ Petitions without mention about the name of Educational Agency against the Writ Petitions. The above said society, the 8 of you picked up the number 570 from the court order and proceedings of the 2<sup>nd</sup> of you and declared that it was the W.P. filed by the 8<sup>th</sup> of you. In fact, this number is seen in page 88 of the court order dated 17.12.1975. Unfortunately there is no proof to show that the 8<sup>th</sup> of you is the petitioner in the Writ Petition No570/75. As per the bye laws of the this society (Rule 15 of the bye law) the procurator, who is the chief functionary, alone can file cases on behalf of the society. This rule was not followed in the writ petition 570/75. No one knows the prayer of the writ petition 570/75. Without knowing the petitioner and prayer we do not know the exact order passed on this Writ Petition. The 8<sup>th</sup> of you, the society, is said to be religious. The society must have attached some certificates in the typed set. No one of you knows these facts. Further, the writ petition must have been made in the exact name of the society as mentioned in the registration on 14.04.1937. Otherwise it becomes useless and invalid.

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No.1 to 9 have not shown this to anybody so far and also they have not verified the matching of the society's name with the writ petition 570/1975 and the representation. Without verification No. 1,2,3, 6&7 of you have allowed the society to go scot-free in the administration giving full minority power.

3. The 2<sup>nd</sup> of you has sent a document with his letter Na.Ka.No.82755/G2/E3/07 dated 15.11.07 to show the minority status of the management. Unfortunately it was not from any court order or his office. But it was a private publication made by the school management itself. In that document the name of the Educational Agency is mentioned as *The Roman Catholic Diocese of Tuticorin*. Unfortunately there is no registered society in this name. This has been confirmed by the 5 of you through his letter Mu.mu.No. 6749/A3/2014 dated 13.01.2015. Also it is pertinent to state that No.2, 6,7 and 9 of you have shown this same document to prove the minority status of the society. This document cannot be considered for the minority status of the society.

4. The 4<sup>th</sup> item referred to above is a batch case decided by the Hon'ble Madras High Court on 10.10.2012. In this order in page 2 there is a mention about a management under item No.10, wherein the cause title of Writ Petition No.570/1975 is mentioned as follows:-

The Catholic Diocese of Tuticorin  
1.rep by Rev.Dr.YuonAmbroise,  
the present Bishop & General Manager,  
2.Rev.Fr.Rosario Fernando (Deceased)

- a. There is no society registered in the name of "The Catholic Diocese of Tuticorin"
- b. It has been shown that Rev.Fr.Rosario Fernando is deceased. Fortunately he is still alive. His date of birth is 30.10.1922. His present address is "Loyola", 4D/3A, 2<sup>nd</sup> Street, Innaciarpuram, Tuticorin – 628 002. Bishop Yvon Ambrosie has lied before the Hon'ble Court. It amounts to perjury. It is nothing but a criminal offence.

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- c. Bishop Yvon Ambroise has filed this case in the name of unregistered body.
- d. Bishop Yvon Ambroise has mentioned him as the Bishop and General Manager. There is no mention about it in the bye law.
- e. It is shocking to note that he has killed Rev.Fr.Rosario Fernando by records for his personal gain and thus he has cheated the Hon'ble Court.

It is nothing but a criminal offence. This matter has been brought to the notice of 1,2,3,6,7&9 of you. But there is no action from them.

5. I state that the order of the Hon'ble High Court Madras dated 17.12.1975 was set aside by the Hon'ble Supreme Court on 04.03.2003 and the matter was remanded back for fresh consideration. Further in the same order the Hon'ble Supreme Court directed the Hon'ble High Court to follow the observations made in the Constitutional Bench of it in the case of T.M.A Pai Foundation. Consequently the Hon'ble High Court of Madras in its order dated 10.10.2012 granted the privilege of Status quo until the Comprehensive Act for the private schools comes into force as per the request of the 2<sup>nd</sup> of you. As on date the minority status of the managements are being enjoyed by the above status quo order. By this order, the 8<sup>th</sup> of you who filed the case falsely, also enjoys minority status. No. 1, 2, 3, 6&7 of you are responsible to bring this criminal offence to the notice of the court. Instead, you are allowing the management and their schools to function under minority right. This society has no right to claim its minority right through WP 570/1975. No. 1, 2, 3, 6&7 of you tapping out public money for illegally established institutions. It is negligence and misuse of power on the part of No. 1, 2, 3, 6&7 of you.

6. It is pertinent to state that no case has been filed by the registered body "The Tuticorin Diocesan Association" and as such it cannot be an Educational Agency having minority right. It has not followed the rule 15 of the memorandum of the society. As such it is not an educational agency.

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7. The Home Ministry of India took action against 8<sup>th</sup> of you, the society, for misappropriation of funds through the following proceedings of the central government.

No. II/21022/58(480)/2011/FCRA-MU dated 09.02.2011

No. F.II/21022/58(0480)2011-FCRA(MU) dated 25.09.2012

Writ Petition 7587/2012 and Writ Petition 3061/2014 have been filed in connection with the orders before the Madurai Bench of Madras High Court. They are pending before the court still. These writ petitions have been filed as per the rule of the society, the 8<sup>th</sup> of you, as follows:-

**PETITIONER FOR Writ Petition 7587/2012**

The Tuticorin Diocesan Association  
Rep.by Rev.Fr.M.Jebanathan, Procurator & Chief Functionary  
Catholic Bishop's House, G.C.Road, Tuticorin-628 001

**PETITIONER FOR Writ Petition 3061/2014**

The Tuticorin Diocesan Association  
Rep.by Rev.Fr.A.Sahaya Joseph, Procurator & Chief Functionary  
Catholic Bishop's House, G.C.Road, Tuticorin-628 001

The above procedure was not followed in filing cases for minority status. They have willfully presented false documents with wrong motives to get more personal gain and benefits and to cheat both the public and the Hon'ble Courts. The Bishop Yvon Ambroise has gone to the extent of telling damn lies before the Hon'ble Courts. As per the bye law the procurator of the society should have filed case for minority right also. Hence the minority right they enjoy has no proof for it and it has been obtained by giving wrong information and by wrong filing. No. 1,2,3,6 & 7 of you should have taken action against the society and should have already declared all the schools of the society as non- minority.

8. In the order passed by the Hon'ble High Court dated 17.12.1975 in page 83 and 84 it has been stated as follows:-

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*In the other cases, wherever the petitioners' character as minority institutions are not disputed, they are allowed, but with no costs; and the other petitions in which the private institutions are not admitted to be minority institutions, are except for the declaration aforesaid, all dismissed, but with no costs.*

The above observation was made while disposing hundreds of writ petitions. The writ petition No. 570/1975 is found in page 88. There is no mention about this society, the Educational Agency, in the long order. But it is strange that without verification 1, 2, 3, 6 & 7 of you have been allowing them to function as minority management – that too in several names. 2,3,6 & 7 of you have given approval to many proposals of the 8<sup>th</sup> and 9<sup>th</sup> of you. The proposals include recognition, transfer, promotions, appointments, suspensions, dismissals, removals, increments, various kinds of leave, loans etc., All the approvals given so far under minority right have become wrong and totally illegal.

9. In the letter of Deputy Secretary memo no. 51159/RD2/76/dated 21.06.1976 in Annexure A this 570 is found. The memo says as follows.

*The clear minority institutions whose writ petitions were allowed (Annexure A and C) by the High Court on the basis that they are minority institutions should not be asked to fulfill the requirements of the Act and rules which are held inapplicable in their cases.*

Here also the number alone is available. No educational agency is mentioned against the petitions. No one can ascertain that this WP 570/1975 is for the Tuticorin Diocesan Association. It is pertinent to state that 1,2,3,6,7,8&9 of you could not show the official letters and copy of affidavit of the above petition so far. It is also pertinent to state here that the 2<sup>nd</sup> of you through his letter O.Mu.No.87872/G2/E3/2015 dated 11.02.2015 has clearly stated that the affidavit of the writ petition 570/1975 is not available in his office. I requested 2<sup>nd</sup> of you to give permission on the basis of the orders passed by the Commissioner, Tamilnadu Information Commission, on my RTI petitions mentioned below.

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1. Order from the Tamilnadu Information Commission – No.25095/C/2014 dated 31.10.2014
2. Order from the Tamilnadu Information Commission – No.25096/C/2014 dated 31.10.2014
3. Order from the Tamilnadu Information Commission – No.25102/C/2014 dated 31.10.2014

But the 2<sup>nd</sup> of you, who has granted recognition and grant to many schools run by the 8<sup>th</sup> of you on the basis of minority right, bluntly refused to allow me to take notes and make few copies from the files as per the above orders.

10. The said management sends all kinds of proposals to the educational offices in the following names.

R.C.Schools, Thoothukudi  
R.C.Mission, Thoothukudi  
Catholic Diocese of Thoothukudi  
Diocese of Thoothukudi

Unfortunately the above are not registered bodies. This information was given by the 5<sup>th</sup> of you, the District Registrar of Societies, Thoothukudi, through the letter Mu.Mu.No.6007/A3/2013 dated 10.12.2013. In this aspect also the management has been committing mistakes. Most of the proposals, appointment orders, transfer orders are issued in the name of R.C. Schools, Thoothukudi. It is not a registered minority management. It is also not matching the so called minority management, namely The Tuticorin Diocesan Association.

11. More over the 7<sup>th</sup> of you has given the name of educational agency as “*Catholic Educational Council of Tamilnadu*” (Reg.No.MS.1/1937-38) through his letter Na.Ka.No.2677/B2.2013 dated 15.05.2013. The 4<sup>th</sup> of you once again has given the name as *Roman Catholic Church* through his letter O.Mu.No.1241/B4/14 dated 18.03.2014. It is strange that the 7<sup>th</sup> of you does not know the name of educational agency. The 7<sup>th</sup> of you has secret connection with the management. If information is asked from his office he sends the same to the management and no one gets information from them. Also the 7<sup>th</sup> of you has converted the duty periods of several teachers in one school as leave periods without considering the rules.

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The 7<sup>th</sup> of you has approved many promotions and appointments made by the school management illegally. In spite of several protests and representations the illegal appointment of Sr. Mercy Anthony Gerard in St. Joseph's Girls Higher Secondary School, Satankulam, was approved by the 7<sup>th</sup> of you and instead of recovering the salary disbursed to her, the 7<sup>th</sup> of you has gone to the extent of sanctioning pension and extension of service on the basis of minority right. It is pertinent to state here that the 1<sup>st</sup> of you has directed the 2<sup>nd</sup> of you through the letter No. 5671/பஃ6(1)2014-1 dated 11.03.2014 to take action in the matter of appointment of the above sister. But the 2<sup>nd</sup> of you did nothing. I state that this is the understanding among 1,2,3,6,7&8 of you. This is the proof for the collaboration of 1,2,3,6&7 of you with 8 of you.

12. Further, Rev. Bishops Amalnather, Peter Fernando and Yvon Ambroise have taken position as Manager of R.C. Schools, Thoothukudi. 1, 2 6 & 7 of you do not verify their appointments. But you approve the orders passed by them. In this connection I requested the 7<sup>th</sup> of you to send the details of appointment orders of these bishops who acted as managers and whose orders were approved. I requested him on 11.02.2014. Till now there is no reply from him. It shows that he has no document to that effect. Also I asked the documents of appointment orders of Superintendent of R.C. Schools, Thoothukudi. For this also there is no response from the 7<sup>th</sup> of you. But he continues to approve all the proposals sent by the manager and superintendents. It is pertinent to state here that the 7<sup>th</sup> of you, after allowing the schools as minority for more than 30 years and after granting crores of money on this basis, asked the 9<sup>th</sup> of you to send the documents such as name of educational agency, the proof for its minority right and the land documents of the school on 19.01.2015. The 9<sup>th</sup> of you has not given it so far. But the 7<sup>th</sup> of you allow them to get grant. The same situation is existing in all the schools under the control of 7<sup>th</sup> of you.



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13. Further, I state that the said society, the 8<sup>th</sup> of you, has cheated the government and the Hon'ble Courts in many ways and 1, 2 3, 6 & 7 of you have joined hands with 8<sup>th</sup> and 9<sup>th</sup> of you for personal gain and approve all its illegalities while the minority right of the management is not proved and there is no document available to this effect in the office of the 1,2,3,6 and 7 of you. Also the society, the 8<sup>th</sup> of you, is functioning in different names which are not authorized. Further, the byelaws of No.8 are not framed in consonance with the provisions of the Society Registration Act, 1860 and the Tamil Nadu Society Registration Act, 1975. Hence, they cannot be recognized as a Registered Society under the Society Registration Act, 1860 and the Tamil Nadu Society Registration Act, 1975.

14. It is submitted that the schools run by No.8 of you have not registered the school and land playground in the name of the respective schools or in the name No.8 of you, which is clear violation of the provisions of Tamil Nadu Private School Regulation Act. Most of the schools run by the 8<sup>th</sup> of you have shown the church lands and the land pattas of R.C.Mission, another unregistered body, for obtaining recognition and grant. It is also against the Tamilnadu Private Schools Regulation Act 1973.

Under these circumstances, I hereby call upon No.1 to 7 to declare that No.8 & 9 are not minority institutions and to declare that the schools run by No.8 are not a minority institutions and to declare that No.8 is not a "Society" as contemplated under the Society Registration Act, 1860 and the Tamil Nadu Society Registration Act, 1975 and to declare that the byelaw of No.8 is not in conformity with the provisions of the Society Registration Act, 1860 and the Tamil Nadu Society Registration Act, 1975, within 60 days from the date of receipt of this notice, failing which I will be constrained to initiate appropriate proceedings before the Competent Civil Court and all of you will be held liable for the cost and consequences arising thereon.

**Place:- Sathankulam**

**Date:- 12.03.2015**