

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 16237 of 2014 (D)

PETITIONER(S) :

GOVIND C.P, AGED 27 YEARS,
S/O.NARAYANAN V., 'GOKULAM', VISHNUMANGALAM,
HARIPURAM P.O., 671531, KASARAGOD DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR

RESPONDENT(S) :

1. THE MALABAR DEVASWOM BOARD,
HOUSEFED COMPLEX, ERANHIPALAM, KOZHIKODE,
REPRESENTED BY ITS COMMISSIONER.

2. THE ASSISTANT COMMISSIONER,
MALABAR DEVASWOM BOARD, NILESWAREM
KASARAGOD DISTRICT.

3. THE TRUSTEE BOARD,
SREE VISHNUMANGALAM TEMPLE, HARIPURAM P.O.- 671531
KASARAGOD DISTRICT- REPRESENTED BY ITS CHAIRMAN.

4. MADHAVAN P.
S/O.V.KELU NAIR, PULUKOTTIL, VISHNUMANGALAM,
HARIPURAM P.O.- 671531, KASARAGOD DISTRICT.

R1,R2 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
R4 BY ADV. SRI.BLAZE K.JOSE
R4 BY ADV. SMT.NEETHU PREM
R3 BY ADV. SRI.P.V.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16237 of 2014 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: A TRUE COPY OF THE SCHEDULE SHOWING THE SERVICE DETAILS
OF THE PERSONS WORKING IN THE TEMPLE.

EXHIBIT-P2: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
TRUSTEE BOARD CHAIRMAN BEFORE THE FIRST RESPONDENT COMMISSIONER DATED
1.11.2011.

EXHIBIT-P3: A TRUE COPY OF THE ORDER NO.J6-1080/2008/MDB DATED
25.6.2010 ISSUED BY THE MALABAR DEVASWOM BOARD COMMISSIONER.

EXHIBIT-P4: A TRUE COPY OF THE CIRCULAR NO.J8-7347/2010/MDB DATED
15.10.2010 ISSUED BY THE MALABAR DEVASWOM BOARD.

RESPONDENT(S) ' EXHIBITS
-----:

EXT.R3A: COPY OF THE SCHEDULE OF ESTABLISHMENT OF THE TEMPLE WITH
EFFECT FROM 1/3/2009.

EXT.R3B: COPY OF THE REPRESENTATION DATED 26/12/2012.

EXT.R3B(A): ENGLISH TRANSLATION OF EXHIBIT R3B.

EXT.R3C: EXTRACT OF THE DECISION TAKEN ON 1/5/2012 CONTAINED THE
AGENDA AND RECORDED THE MINUTES BOOK.

EXT.R3C(A): ENGLISH TRANSLATION OF EXHIBIT R3C.

EXT.R2(A): COPY OF THE SCHEDULE OF ESTABLISHMENT DATED 28/2/2009.

EXT.R2(B): COPY OF THE ORDER OF ASSISTANT COMMISSIONER DATED
8/10/2014.

EXT.R2(C): COPY OF THE ORDINANCE DATED 1/3/2014.

/TRUE COPY/ P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 16237 OF 2014

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner was appointed as 'Vazhipadu Clerk' in Pulloor Sree Visnumangalam Temple on 15/2/2006. He worked till 30/4/2012. The grievance of the petitioner is regarding the appointment of the 4th respondent in the post of Vazhipadu clerk. The petitioner also seeks regularisation of his service in the post of Vazhipadu Clerk.

2. In this matter detailed counter affidavits have been filed by the first respondent-Deaswom Board as well as the 3rd respondent-Trustee Board. In the counter affidavit filed by the 3rd respondent it is stated that there is no sanctioned post of Vazhipadu Clerk and since the petitioner abandoned the engagement as Vazhipadu Clerk on 30/4/2012, they appointed the 4th respondent on temporary basis. It is also stated that regular appointment to the post of Vazhipadu Clerk would be made only in accordance with the recruitment rules. It is

further submitted that regular appointment would be made only after inviting application from the eligible persons. The appointment of the 4th respondent is only by way of temporary arrangement. Ext.R2 (b) is the order appointing the 4th respondent on temporary basis. It is clear from Ext.R2(b) itself that appointment of the 4th respondent is only on temporary basis and he will not be eligible for any preference for appointment in future vacancies.

3. In the light of Ext.R2(b) order, I am of the view that, as the appointment is already on temporary basis , this Court need not interfere with the appointment of the 4th respondent. The question of regularization of the petitioner in the post of Vazhipadu Clerk does not arise, since there is no sanctioned post. It is open for the petitioner to move the competent authority for sanctioning the post of Vazhipadu Clerk.

4. Necessarily, the 3rd respondent Truestee Board shall take appropriate steps for getting sanction of the post of Vazhipadu Clerk as and when its financial viability makes them eligible for creating a post of Vazhipadu clerk.

5. No doubt, in the event of post of the Vazhipadu Clerk is sanctioned, before making the regular appointment an

opportunity should be given to all to make application including the petitioner.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ P.S to Judge.

