

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

W.P.(C).No.33681 of 2014 (I)

PETITIONER(S):

KRISHNAKUMAR A.V., AGED 31 YEARS, S/O.VASUDEVA SHARMA,
AKKARACHIRACKAL ILLOM, KAVIYOOR,
KAVVIYOOR VILLAGE, THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.N.RADHAKRISHNAN (THIRUVALLA).

RESPONDENT(S):-

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1. THE TRAVANCORE DEVASWOM BOARD,
NANTHENCOD P.O., THIRUVANANTHAPURAM, PIN - 695 001,
REPRESENTED BY ITS SECRETARY.
 2. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANTHENCOD P.O.,
THIRUVANANTHAPURAM, PIN - 695 001.
 3. DEPUTY DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, PATHANAMTHITTA,
PIN - 689 645.

R1 TO R3 BY STANDING COUNSEL SRI.A.N.RAJAN BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.33681 of 2014 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1: COPY OF THE CHARGE MEMO ALONG WITH STATEMENT
DATED 03/01/2012 VIDE NO.18827/11/S/EST. B, ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P1(a): ENGLISH TRANSLATION OF EXHIBIT P1.
- EXHIBIT P2: COPY OF THE ORDER OF THE SECOND RESPONDENT
DATED 24/03/2013.
- EXHIBIT P2(a): ENGLISH TRANSLATION OF P2.
- EXHIBIT P3: COPY OF THE JUDGMENT IN WP(C) 591/2014
DATED 07.01.2014.
- EXHIBIT P4: COPY OF THE ORDER NO. ROC 17/14/MIS-1
DATED 22/03/2014 BY THE FIRST RESPONDENT.
- EXHIBIT P4(a): ENGLISH TRANSLATION OF P4.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.33681 of 2014-I

Dated this the 16th day of September, 2015

JUDGMENT

The petitioner is aggrieved with the orders passed at Exhibits P2 and P4, removing the petitioner from the '*Karanma Kaisthani*', which right the petitioner's family is entitled to in the Kaviyoor Mahadeva Temple. The petitioner has a contention that the allegations levelled against the petitioner at Exhibit P1 are not sustainable, since the duty assigned to the petitioner, being '*Kaisthani*', is only to perform functions like conducting of Sribali, cleaning of Sreekoil and Mandapam, etc. and the allegations levelled are with respect to the petitioner being absent from the premises when he was assigned the work of counting of Kanikka. The further contention is that the petitioner had deputed his father on the said days and the father being the eldest member of the family, there was no defect in such entrustment of work to the father especially since even the petitioner is continuing in the Karanma right on the basis of the permission granted by the eldest member of his family, being his father.

2. The allegation in Exhibit P1 is with respect to the petitioner not being present for the work of counting Kanikka on 06.09.2011 and 14.10.2011. The petitioner even in the writ petition admits such absence. The petitioner's specific case is that the petitioner's father was deputed to carry out the work. However, Exhibit P1 does not indicate that it was the father who was deputed to do the work. The allegation in Exhibit P1 was as to the petitioner having entrusted the work to a person who had earlier created a ruckus in the temple and had abused the Sub Group Officer. If the petitioner had a case that it was the petitioner's father who had been entrusted with the work when he was absent, then the petitioner ought to have appeared before the Enquiry Officer and stated the same. However, the petitioner remained absent in the enquiry initiated against the petitioner.

3. Subsequent to the same, the petitioner had filed an appeal and had also approached this Court with a writ petition to get expeditious disposal of the appeal. Even at that stage, the petitioner had not pressed such a contention before this Court.

4. Exhibit P2 order was passed, finding the petitioner to be guilty for the reason of the petitioner absenting himself voluntarily from the enquiry proceedings. Exhibit P2 proceeding was challenged in appeal, which also was rejected as per Exhibit P4. This Court does not find any infirmity in Exhibit P4.

5. With respect to the petitioner's contention that the petitioner was obliged only to perform the duties of Kaisthani, it is to be noticed that the Manual of the Devaswom Board which was handed over across the Bar, indicates that the Karanma right is with respect to Santhi, Tantri, Parikarmam, Kazhakam, Sambandhi, Masappadi, etc. None of these activities are specifically defined and it is to be noticed that such persons who are appointed in exercise of their Karanma right, has to co-operate generally in the duties of the temple and cannot say that they would confine their activities only to the specific work indicated in the Manual, which contention cannot definitely be taken since no specific definition of work has been stated in the Manual.

In the light of what has been stated above, the writ petition is found to be devoid of merit. Exhibits P2 and P4 are upheld. However, as per Exhibit P4 appellate order definitely the Devaswom Board would have to ask for a fresh nomination from the family having the Karanma right; within a specific period of time. The petitioner definitely would be disentitled from being nominated.

Writ petition dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]