

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19198 OF 2009

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in preventing the petitioners from performing their Bhajantry duties in the 4th respondent temple, as illegal and arbitrary and for a consequential direction to the respondents to allow the petitioners to function as Bhajantries in the 4th respondent temple.

No interim order was granted by this Court at the time of admission.

Now the 3rd respondent filed counter stating that there is no triadition of performing Bhajanthry service in the temple from the time of its inception and that it is incorrect to say that the petitioners are performing the said service in the temple having legal right of customary. It is also stated that question of giving show cause notice does not arise, since because they are neither appointed as Bhajanthries by the competent authority to the temple nor rendering service in the temple hereditarily even after abolition of hereditary rights. It is also stated that there is no obligation on the part of the Executive officer of the temple to allow the petitioners to work as Bhajanthries; that only on Fridays the temple used to perform Gudi Utsavam from the year 1996 and on the said day the temple used to engage the Bhajanthries on payment of remuneration for that day to those who are available by that time either in the village or from other villages. It is also stated that the State has taken a policy and in pursuance of the same the Commissioner, Endowments Department, A.P.,

Hyderabad invited applications for appointment of Bhajanthries in various temples in the State by giving paper notifications and in the said process six persons were appointed to the temple as Bhajanthries and they are functioning.

Heard learned counsel for the petitioners, Learned Government Pleader for Endowments and Sri A.Srikanth Reddy, learned counsel for the 4th respondent.

Though, the petitioners state that they are functioning as Bhajanthries for long time, no evidence is produced to that effect. Counter filed by the respondents show that the 4th respondent-temple utilized the services of Bhajanthries only in the year 1996 while performing 'Gudi Utsavam' and that only for a particular day the temple utilizes the services of the Bhajanthries by paying remuneration. Further, when the State has taken a policy to appoint eligible candidates as Bhajanthries, if the petitioners have any grievance with regard to that policy, they should have questioned that policy. Once the selection process was over and six candidates were appointed, the petitioner cannot get any relief in this writ petition. The petitioner should have challenged the notification and appointments made in pursuance of the notification. In view of the same, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

21.09.2015
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A.RAJASHEKER REDDY, J