



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.545 of 2016

and

C.M.P (MD) No.3908 of 2016

The Joint Commissioner/
Executive Officer,
A/m.Mariyamman Temple,
Samayapuram,
Trichy District.

... Appellant

Vs.

1.Anusuya

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai.

... Respondents

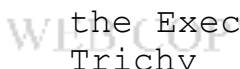
Appeal filed under Clause 15 of the Letters Patent against the Order dated 25.11.2015 made in W.P.(MD).No.14239 of 2015 on the file of this Court.

Prayer in WP(MD). 14239/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent made in Na.Ka. 1389/1422/A2 dated 20.01.2015 and to quash the same as illegal and arbitrary and consequently direct the respondents herein to appoint the petitioner herein in any suitable post based on her educational qualification on compassionate ground.

For Appellant : Mr.R.Murali
for Mr.K.Govindarajan

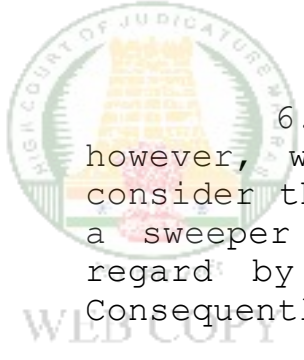
For 2nd Respondent : Mr.V.R.Shanmuganathan,
Special Government Pleader.



The Joint Commissioner of the Endowment Department cum the Executive Officer of Arulmighu Mariyamman Temple, Samayapuram, Trichy District preferred this appeal against the judgment rendered by the learned single Judge allowing the writ petition instituted by the first respondent herein on 25.11.2015.

3. To say the least, the objection raised for consideration of the case of the writ petitioner, is unconstitutional. The marriage of the writ petitioner cannot be put against her in the matter of securing public employment of the nature present in this case, even assuming that the writ petitioner sought for employment on compassionate grounds. The fact that she was a married person and consequently living with her husband away from the home of the deceased employee also cannot be put against the writ petitioner, for, as a practice of tradition, the married daughters normally move away from the parental home to the matrimonial home and married daughters are seldom allowed to stay at parental home, for longer periods and moreso unnecessarily keeping in view this traditional practice of making the married daughters live at their matrimonial home instead of parental home, the appellant should not have objected to consider the case of the writ petitioner only on that ground.

5. This apart, manpower to keep attending to such menial jobs such as sweeping the premises or mopping up the floors only to ensure that the temple premises is maintained clean and neat so that proper atmosphere prevails for the devotees to have the right kind of peace and right frame of mind for praying for the presiding deity. They are far and few takers of such jobs. Therefore, in principle, we disapprove the appeal preferred by the ~~Service Committee/Service~~ cum Executive Officer of the temple.



6. For this reason also, we dismiss this writ appeal. But however, we grant 30 days time from today to the appellant to consider the application of the writ petitioner for appointment as a sweeper in the temple and communicate the decision in that regard by registered post with acknowledgment due. No costs. Consequently, C.M.P(MD)No.3908 of 2016 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

sms

To

The Commissioner, Hindu Religious and Charitable
Endowments Department, Nungambakkam, Chennai.

+1CC to Mr.K.Govinda Rajan, Advocate Sr.No.37212

+1CC to Spl.Government Pleader Sr.No.37244

GJM/ARK/PV/25.7.16-3p-4c

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