

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.11612 OF 2016**

**ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ or order by way of Mandamus declaring the action of the 4<sup>th</sup> respondent in not allowing the petitioner to join the 4<sup>th</sup> respondent institution inspite of orders of the 2<sup>nd</sup> respondent is being illegal, arbitrary, unconstitutional and violative of Article(19)(1)(g) of constitution of India and consequentially pleased to direct the 4<sup>th</sup> respondent to allow the petitioner to join in duty and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard Sri T.Srikanth Reddy, learned counsel, appearing for the petitioner, learned Government Pleader for Endowments, appearing for the respondents 1 and 2 and Sri Ch.Satish Kumar, learned standing counsel, appearing for the respondents 3 and 4.

3. The petitioner herein is a Junior Assistant, appointed initially in the 3<sup>rd</sup> respondent institution on 01.04.1999 on consolidated pay and subsequently, his services were regularized with effect from 01.09.2002. According to the petitioner, he submitted a representation to the Endowments Commissioner, requesting for transfer to the 4<sup>th</sup> respondent temple. Subsequently, the office of the Commissioner of Endowments passed an order vide Rc.No.C2/42447/2007, dated 07.02.2008, transferring the petitioner to the 4<sup>th</sup> respondent temple and by virtue of the said order, the office of the Commissioner of Endowments also directed the petitioner to report before the Executive Officer of the 4<sup>th</sup> respondent temple. It is further stated that in pursuance of the said order, on 21.02.2008, petitioner herein submitted

a joining report before the 4<sup>th</sup> respondent. It is also stated that despite several efforts made by the petitioner, the 4<sup>th</sup> respondent is not allowing the petitioner to join.

4. Today when the matter is taken up, the learned counsel for the respondents 3 and 4 has placed on record a memo bearing No.D2/2341/2015, dated 02.04.2015, emanated from the office of the Commissioner of Endowments, Telangana State, Hyderabad and also a letter bearing No.13/SMLNSD/2015, dated 25.04.2015, addressed by the Executive Officer of the 4<sup>th</sup> respondent temple. In the above said memo No.D2/2341/2015, dated 02.04.2015, while enclosing the copies of the representations of the petitioner, the office of the Commissioner of Endowments requested the Executive Officer of the 4<sup>th</sup> respondent temple to submit a detailed report. In response to the said memo, dated 02.04.2015, the Executive Officer of the 4<sup>th</sup> respondent temple addressed the letter bearing No.13/SMLNSD/2015, dated 25.04.2015, wherein it is stated that as per the cadre strength there are only two posts of Junior Assistants in the 4<sup>th</sup> respondent temple and two individuals are working in the said posts and it is also requested in the said letter to consider the same and post the petitioner in some other temple.

5. In the light of the above factual situation and having regard to the nature of controversy, Writ Petition is disposed of, directing the 2<sup>nd</sup> respondent – Commissioner of Endowments to take appropriate action in the matter, pursuant to the letter bearing No.13/SMLNSD/2015, dated 25.04.2015, addressed by the Executive Officer of the 4<sup>th</sup> respondent temple, within a period of six weeks from the date of receipt of a copy of this order.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

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**A.V.SESHA SAI, J**

*07.04.2016*  
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