

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8767 of 2004
and
W.P.M.P.No.10259 of 2004

Sundara Gurukkal

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Nungambakkam High Road,
Chennai.

2. The Fit Person/Executive Officer,
Arulmighu Maha Kaleeswaraswamy Temple,
Irubai, Vanoor Taluk,
Villupuram District.

3. Appadurai Gurukkal

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records from the 2nd respondent in connection with his impugned order dated 27.03.2004 and quash the same.

For Petitioner : Mr.K.Chandrasekar

For R1 and R2 : Mr.M.Maharaja (SGP)

For R3 : Dismissed

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O R D E R

The Challenge in this Writ Petition is the order issued by the Executive Officer of Arulmighu Maha Kaleeswaraswamy Temple, Irumbai, Vanoor Taluk, dated 27th March, 2004.

2. The Writ Petitioner Mr.Sundara Gurukkal, challenge the order relieving him from the post, on attaining the age of 60 years.

3. The learned Special Government Pleader has taken this court to the provisions of The Tamil Nadu Hindu Religious

Institutions (Officers and Servants) Service Rules, 1964, more specifically Rule 5 enumerates age, which is extracted hereunder.

"5. Age. - No person shall be appointed to a non - hereditary office unless he has completed twenty - five years of age but has not completed forty - five years of age on the first day of July of the year in which the selection for appointment is made and every person appointed to such Office shall retire from such office on completing sixty years of age."

4. As per the said rules, the Writ Petitioner is entitled to continue in the Temple as Gurukkal only up to the age of 60 years. Further, even at the time of filing the writ petition in the year 2004, the writ petitioner attained the age of 60 years and now after a lapse of 13 years, no further adjudication in this Writ Petition is required. Accordingly the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Commissioner,
HR & CE Department,
Nungambakkam High Road,
Chennai.

2. The Fit Person/Executive Officer,
Arulmighu Maha Kaleeswaraswamy Temple,
Irubai, Vanoor Taluk,
Villupuram District.

+1cc to the Government Pleader, S.R.No.36897

W.P.No.8767 of 2004

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VGI (CO)
CA(22/05/2017)