



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
W.P. (MD) No.16158 of 2017

WEB COPY

Balamurugan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Salai, Nungambakkam, Chennai.

2.The Joint Commissioner
Arulmighu Subramaniya Swamy Temple,
Thiruchendur, Tuticorin District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner to the post of Lecturer in Tamil Department at Arulmighu Parasakthi College, Kuttralam, Tirunelveli District till the reopening of "Archagar School" at Arulmigu Subramaniya Swamy Temple, Thiruchendur, Tuticorin District based petitioner's representation dated 04.08.2015 within a time frame as stipulated by this Court.

For Petitioner	: Mr.V.Perumal
For Respondents	: Mr.R.Karthikeyan for R1 Additional Government Pleader Mr.G.Muthu Geethaiyan for R2

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent.

3.The petitioner has completed Post Graduate degree and also M.Phil in Tamil. Besides, he has also passed the National Eligibility Test (NET) conducted by University Grants Commission (UGC), New Delhi, for the post of Lecturer in Government Colleges and Universities in all States and Central Universities in India. While so, when the Government of Tamilnadu had taken a policy decision to appoint Archagars under the control of the 1st respondent to educate the interested students, the petitioner applied for the post of Headmaster. Considering his qualification, he was appointed as Headmaster of Archagar Training School, Thiruchendur on 21.05.2007. In the meanwhile, since he has also passed National Eligibility Test in the year 1998, he was also



issued with call letter by the Teachers Recruitment Board for the post of Lecturer by proceedings dated 21.06.2007. Since the Archagar Training School was newly formed one, the request for the petitioner made to the 2nd respondent for issuance of No objection certificate was not given. Since the scale of pay of the Lecturer and Headmaster of the Archagar Training School were one and the same, the petitioner continued to serve as Headmaster in the Archagar School run by the 2nd respondent. Unfortunately, the School, in which, the petitioner serving as Headmaster, was closed. Thereafter, the petitioner was employed by the Temple authorities in the menial jobs of selling tickets in the E-seva section, counting the money collected from the Hundials. Some time, he was also given in-charge of Warden of the Karunai Illam run by the temple for the economically poor children.

3.1. In view of the aforementioned subsequent development that the school was closed, as a result, he had been employed by the Temple in the various menial jobs, he has given a representation to the 1st respondent for transferring and posting him as Lecturer in the Tamil Department till the Archagar School is reopened by the Government, as he has also fully qualified by passing the NET conducted by the UGC in the year 1998. As he is also eligible for the said post, the said representation till date has not been considered.

4. At this stage, the learned counsel for the 2nd respondent, placing on record a copy of the representation given by the petitioner by forwarding a letter dated 06.08.2015 made by the 2nd respondent, submitted that the request made by the petitioner has been forwarded by the 2nd respondent to the 1st respondent. But the 1st respondent till date has not passed any order. It is also stated that since the petitioner also averred in Paragraph No.6 of the affidavit that the respondents are running 15 Higher Secondary Schools and 5 Colleges in the State, he can be accommodated in any one of the suitable post.

5. Therefore, the 1st respondent is directed to consider the plight of the petitioner, keeping in mind, he has acquired PG degree, M.Phil in Tamil and also passed NET conducted by the UGC for the post of Lecturer in the Government Colleges and Universities in all States and Central Universities in India in the year 1998 and he has also been issued with Service Certificate by the Manonmaniam Sundaranar University of working experience for the period from 16.06.2005 to 19.05.2007. Since the petitioner has got sufficient qualification in the post of Lecturer, the first respondent is directed to consider the proposal. Since the 2nd respondent has also forwarded the proposal to the 1st respondent, the first respondent is hereby directed to consider the representation forwarded by the 2nd respondent to appoint the petitioner as Lecturer in any one of the Colleges, if not, as a



Headmaster in any one of the Schools commensurate to his educational qualifications, experience within a period of four weeks from the date of receipt of a copy of this order. It is also stated that if any future vacancies arise, the respondent shall consider the case of the petitioner accordingly.

6. The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Salai, Nungambakkam, Chennai.

2. The Joint Commissioner
Arulmighu Subramaniya Swamy Temple,
Thiruchendur, Tuticorin District

+1cc to M/S.V.PERUMAL, Advocate SR.No.76928
+1cc to M/S.M.MUTHU GEETHAYAN, Advocate SR.No.76607
+1cc to Special Government Pleader, SR.No.77313

RR
MAS/MR-KKR/SAR2:22.09.2017:3P-6C

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