



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) .No.25084 of 2016 and
W.M.P. (MD) No.295 of 2017 and
W.M.P. (MD) Nos.18150 & 18149 of 2016

Surendran

.. Petitioner

Vs.

1. The Commissioner,
Hindu religious and Charitable Endowment Department,
Chennai-600 034.
2. The Regional Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Trichy.
3. The Fit Person / Joint Commissioner/
Executive Officer,
Arulmigu Mariamman Thirukovil,
Samayapuram,
Trichy District.

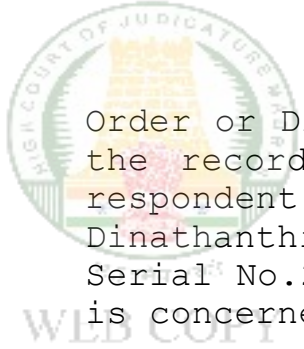
..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari or any other appropriate Writ or Order or Direction particularly in the nature of Writ, calling for the records pertaining to the impugned notice issued by the 3rd respondent in Na.Ka.No.1895/1425/A2, dated 01.12.2016 published in Dinathanthi Newspaper on 02.12.2016, quash the same in so far as Serial No.2 regarding the recruitment of Assistant Elephant Mahout is concerned.

For Petitioner	: Mr. M.Saravanan
For R1 and R2	: Mr. C.Selvaraj Special Government Pleader
For R3	: Mr. R.Murali for Mr.K.Govindarajan

O R D E R

<https://hcservices.courts.gov.in/hcservices/> This writ petition has been filed by the petitioner for issuance of a Writ of Certiorari or any other appropriate Writ or



Order or Direction particularly in the nature of Writ, calling for the records pertaining to the impugned notice issued by the 3rd respondent in Na.Ka.No.1895/1425/A2, dated 01.12.2016 published in Dinathanthi Newspaper on 02.12.2016, quash the same in so far as Serial No.2 regarding the recruitment of Assistant Elephant Mahout is concerned.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

3. The case of the petitioner is that the impugned notice dated 01.12.2016 is the notification issued by the 3rd respondent inviting applications from the eligible candidates for the post of Mahout of Temple Elephant and of Assistant Elephant Mahout for the Temple Elephant. The case of the petitioner in brief are as follows:-

3.1. The Petitioner was appointed as Assistant Elephant Mahout at Arulmigu Mariamman Temple, Samayapuram, Trichy District on 20.04.2005.

3.2. Though the petitioner was appointed on daily wages with effect from 20.04.2005, the first respondent approved the creation of new post as Assistant Elephant Mahout only on 17.12.2008 and the said post was created with effect from 02.03.2009. The petitioner's service was not regularised, despite the fact that he had completed 5 years of service as on 31.07.2014. For this reason, the petitioner filed a writ petition earlier and this court has also passed an order directing the respondents to consider the petitioner's representation on merits.

3.3. However the 3rd respondent initiated the disciplinary proceedings against the petitioner on the ground that he approached this Court and obtained the order by manipulating the records. Charges were also framed against the petitioner. The petitioner was also placed under suspension pending the enquiry. There after the 3rd respondent dismissed the petitioner by order dated 14.09.2016.

3.4. The Petitioner has also filed an appeal before second respondent as against his removal from service and the appeal is still pending. In the meanwhile, 3rd respondent has published the impugned advertisement inviting the application for the appointment of eligible candidates for one post of Temple Elephant Mahout and for the another post of Assistant Mahout for the Temple Elephant.

4. Alleging that the order dismissing the petitioner from service is improper and illegal and the subsequent recruitment notice is illegal, the petitioner has come forward with this writ

5. Though the petitioner has raised several grounds, the writ



petition is liable to be dismissed on the ground that the petitioner has no *locus standi* to question the impugned notification.

6. First of all, the petitioner is only a dismissed employee of the 3rd respondent, may be, an appeal is pending. The petitioner has no right to question the manner by which the post in which the petitioner was working should be filled up. It is also important to note that the post of Assistant Temple Mahout is a sensitive post, and nature of job and responsibilities are peculiar. The service of Mahout or an Assistant Mahout for the Temple elephant attached to a temple cannot be dispensed with.

7. The respondents cannot wait till the outcome of the appeal that is now filed by the petitioner and pending before the second respondent. It cannot be a reason for this court to prevent the official respondents to fill up the post in the manner known to law. Except pendency of appeal, the petitioner has not raised any other issue challenging the competency in proceeding with the recruitment. This Court find no merit in the writ petition and accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu religious and Charitable Endowment Department,
Chennai-600 034.
2. The Regional Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Trichy.

+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 19019
+ 1 CC TO Mr.K.GOVINDARAJAN, ADVOCATE IN SR No. 50280

SM/CP

TE/JC : 18/04/2017 : 3P/5C

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