



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

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WP (MD) No.359 of 2018andWMP (MD) No.376 of 2018

Muthu Mariappan

... Petitioner

Vs.

1.The Commissioner of Tourism,
Tamil Nadu Tourism Complex,
2, Wallajah Road,
Triplicane, Chennai - 2.

2.The Executive Officer,
A/m.Meenakshi Amman Temple,
Madurai.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus restraining the second respondent or his subordinate or his agents or any other person from disallowing the petitioner's work as tourist guide in the second respondent/temple based on the valid ID card issued by the first respondent dated 22.04.2017.

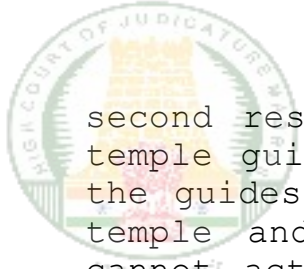
For Petitioner	: Mr.RM.Arun Swaminathan
For R1	: Mr.Aayiram K.Selvakumar Additional Government Pleader
For R2	: Mr.V.R.Shanmuganathan Special Government Pleader

ORDER

This writ petition has been filed seeking to restrain the second respondent from disallowing the petitioner's work as a tourist guide in the second respondent temple.

2.Heard Mr.RM.Arun Swaminathan, learned counsel appearing for the petitioner, Mr.Aayiram K.Selvakumar, Additional Government Pleader for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader for the second respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he is a tourist guide and the first respondent has also issued valid licence to him to act as a guide and the licence is valid till 30.06.2019. Now, the



second respondent temple invited applications for appointment of temple guides wherein a specific condition has been imposed that the guides should get separate licence from the second respondent temple and unless they obtained licence from the temple, they cannot act as a guide in the temple premises. According to the petitioner, as per the licence issued by the first respondent, he is entitled to act as a guide through out Tamil Nadu and the second respondent cannot prevent the petitioner from acting as a guide inside the temple. In the above circumstances, this writ petition has been filed for getting the relief as stated supra.

4.The learned Special Government Pleader appearing for the second respondent submitted that the HR & CE Department has already issued guidelines dated 31.07.2006 with regard to issuance of licence to temple guides and pursuant to the said circular only, the second respondent temple has invited applications for appointment of temple guides. In the said guidelines, a specific condition was imposed for granting licence that the person who is seeking licence as temple guide should know puranam, history, significance of antiquities, poojas and other rituals of the concerned temples. Merely because, the petitioner has been given licence from the Commissioner of Tourism, he cannot act as a guide inside the temple without knowing the history of the temple. Apart from that, in the application issued by the second respondent temple, a special concession is also given to the guides who have already appointed by the Tourism Corporation, exempting them from the basic educational qualification and if at all, they want to act as a guide, they can very well apply before the second respondent, seeking licence.

5.I have considered the rival submissions made on either side and perused the records carefully.

6.As rightly contended by the learned Special Government Pleader appearing for the second respondent that already guidelines have been issued by the HR & CE Department for giving licence to the temple guides. Pursuant to the same, the second respondent temple has called for applications for appointment of temple guides. The Division Bench of this Court in W.A.(MD)No.13 of 2011 [S.Ravichandran and others Vs. The Director, The Tamil Nadu Tourism Dept., and others] dated 06.01.2011 has already considered the guidelines issued by the HR & CE Department and held that no person should be given licence violating the guidelines issued by the HR & CE Department.

7.In the above circumstances, merely because the petitioner has been given licence by the first respondent/Tourism Corporation, he cannot claim to act as a guide in the temple, especially when separate guidelines have been issued for granting licence. Apart from that, there is no legal obligation on the second respondent permitting the petitioner to act as a guide in



the second respondent temple. Hence, the relief sought by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. No costs. Consequently, WMP(MD)No.376 of 2018 is closed.

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/True Copy/

Sd/-

Assistant Registrar(CO)

Sub Assistant Registrar

To

1.The Commissioner of Tourism,
Tamil Nadu Tourism Complex,
2, Wallajah Road,
Triplicane, Chennai - 2.

2.The Executive Officer,
A/m.Meenakshi Amman Temple,
Madurai.

+1cc to Special Government Pleader, SR.No. 41541

WP(MD)No.359 of 2018
09.01.2018

mj

JM/SKN RSK/SAR 2/11.01.2018/3P/4C