



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.8337 of 2014
and
W.M.P. (MD) Nos.1 and 2 of 2014

R.Pechimuthu

... Petitioner

- Vs -

1.The commissioner, H.R. & C.E,
119, Uttamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.Executive Officer-Gr.III,
Arulmigu Venkatachalapathi Thirukovil,
Sattur Taluk and Town,
Virudhunagar District.

3.The Fit Person,
Arulmigu Venkatachalapathi Thirukovil,
Sattur Taluk and Town,
Virudhunagar District.

4.S.Karuppasamy Pandian

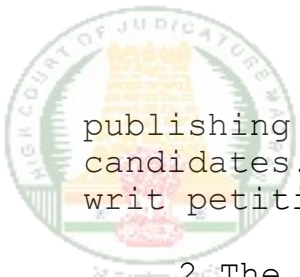
... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records culminating in the order of the first respondent dated 27.03.2014 made in Sa.Mu.Na.Ka.No.69853/2013/G.4 and the consequential order of the second respondent dated 08.05.2014 made in Sa.Mu.Nada.Na.Ka.No.1/2014 and quash the same.

For Petitioner	: Mr.David Ganesan for Mr.P.Balamurugan
For R-1	: Mr.M.Jayakumar Additional Government pleader
For R-2	: Mr.P.Mahendren
For R-3 & R-4	: No appearance

ORDER

The writ petitioner's father G.Ramaswamy was the chairman of the Board of Trustees of Arulmigu Vengatachalapathy Temple, Sattur, Virudhunagar District. A vacancy arose in the post of Junior Assistants/Mahilam. Permission was granted for filling up the said post. Thereupon, the Board of Trustees notified the vacancy by



publishing notices calling for applications from eligible candidates. In response thereto, number of persons including the writ petitioner submitted their applications.

2. The Board of Trustees passed a resolution dated 21.10.2008 resolving to send the interview call letter to the writ petitioner alone. The Executive Officer of the said temple sent the letter dated 22.10.2008 in this regard to the writ petitioner. The interview was conducted on 31.10.2008 and the minutes of the interview were signed by the said G.Ramasamy and other Trustees and also the Executive Officer of the said temple. The trustees also passed the resolution on 30.10.2008 resolving to appoint the writ petitioner in the said post. Thereafter, the Executive Officer sent the letter dated 01.11.2008 to the Joint Commissioner, Sivagangai for approving the said appointment. The approval was also specifically given vide proceeding dated 04.11.2008 of the Joint Commissioner, Sivagangai. There was also a proceeding in this regard issued by the first respondent on 17.12.2008. Based on these proceedings, on 18.12.2008 the Executive Officer of the said temple appointed the writ petitioner. The writ petitioner also joined duty on 19.12.2008.

3. Thereafter, a complaint was received from one Karupasamy Pandian who is shown as the fourth respondent in this writ petition. The said Karupasamy Pandian sought cancellation of the writ petitioner's appointment. Since his representation was not considered, he filed W.P.(MD)No.11993 of 2013. This Court by order dated 06.12.2013, directed the first respondent to consider the said representation and pass orders in accordance with law. Pursuant to the aforesaid direction given by this Court on 06.12.2013 in W.P.(MD)No. 11993 of 2013, the first respondent passed the impugned order dated 27.03.2014. The first respondent proceeded to cancel the writ petitioner's appointment vide order dated 27.03.2014. Based on the same, the Executive Officer of the said temple also issued relieving order on 08.05.2014. These are under challenge in this writ petition.

4. Mr. David Ganesan, the learned counsel appearing for the writ petitioner sought time on the ground that counsel on record has to come from Chennai and argue the matter. This Court is not inclined to accede to the said request. A mere look at the papers enclosed in the typed set of papers would show the gross abuse of powers perpetrated by the writ petitioner's father in collusion with the other trustees and also the Executive Officer of the second respondent temple. The writ petitioner alone was called for interview for the post of Junior Assistant/Maniam in the second respondent temple. He was the sole candidate. The Chairman of the Trust Board was none other than the father of the writ petitioner. His signature found in the relevant resolution as well as the minutes. The first respondent rightly held that there is a gross violation of the principles of natural justice. The order impugned in this Writ Petition is sustained.



5.If such appointments are allowed to hold, the entire process of recruitment in matters of public employment would lose their credibility. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

WEB COPY

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1 The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uttamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2 Executive Officer-Gr.III,
Arulmigu Venkatachalapathi Thirukovil,
Sattur Taluk and Town,
Virudhunagar District.

+1cc to M/S.P.Balamurugan, Advocate SR.No. 43194

+1cc to M/S.P.Mahendren, Advocate SR.No. 43053

+1cc to Special Government Pleader, SR.No. 43064

W.P. (MD) No.8337 of 2014

and

W.M.P. (MD) Nos.1 and 2 of 2014

19.01.2018

smi/skm

JM/KK/SAR 1/23.02.2018/3P/6C