



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2018

CORAM:

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THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P. (MD) .No.22485 of 2018

and

W.M.P. (MD) .Nos.20345 to 20347 of 2018

A.Murugan

... Petitioner

-vs-

1.The Commissioner,
Hindu Religious & Charitable
Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious & Charitable
Endowment Department,
Madurai.

3.The Assistant Commissioner,
Arulmighu Jenaki Mariyamman Thirukovil,
Solavanthan, Vadipatti Taluk,
Madurai District.

4.The Executive Officer,
Arulmighu Jenakai Mariyamman Thirukovil,
Solavanthan, Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Certiorarified Mandamus, to call for the records relating to the impugned notification Va.Aa.No.666/Varaikalai/2018/Sea.Ma.Tho.A/Madurai/ dated 23.10.2018 passed by the 4th respondent and quash the same as illegal and consequently direct the respondent to regularize the service of the petitioner by considering his representation 28.05.2018.

For Petitioner: Mr.K.Muthu Ganesa Pandian

For R1 to R3 : Mr.A.Muthukaruppan

Additional Government Pleader

For R4

: Mr.G.Muthu Geethaiyan

ORDER

Heard Mr.K.Muthu Ganesa Pandian, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for R1 to R3 and Mr.G.Muthu Geethaiyan, learned counsel appearing for the fourth respondent.

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2.The contention of the writ petitioner is that he had been serving as a Ticket Collector at the fourth respondent Temple for the past 5 years and he has made several representation to the authorities concerned for regularizing his service. In the meanwhile, a notification was issued by the fourth respondent viz., the Executive Officer, inviting application for the selection and appointment to the post of Clerk, Ticket Collector and Night Watchman. With regard to the grievances over the notification, some aggrieved persons preferred a writ petition before this Court and this Court allowed the said writ petition and set aside the notification dated 25.01.2018.

3.According to the petitioner, he served for the past 5 years and drawn salary of Rs.3,000/- and he may be considered for the post of Ticket Collector. It is further stated that the recruitment process initiated by the Executive Officer vide paper advertisement, dated 22.10.2018 is to be quashed.

4.This Court unable to countenance the submission made by the writ petitioner that his appointment is back door entry and without following any procedure. While the fourth respondent herein has thought fit the paper publication should be given and the recruitment process must be done in the transparent manner by giving opportunity to all eligible aspirant, the petitioner herein, who has been serving in the said post without following the procedure, wants to stall the process.

5.The learned counsel appearing for the fourth respondent Temple would submit that earlier notification was challenged before this Court on the ground that wide publicity has not been given and therefore, this Court entertained the writ petition in W.P.(MD). No.11136 of 2018, by order dated 11.06.2018, directing the fourth respondent to issue a fresh paper publication/notification in any one of the vernacular (Tamil) newspapers having publication and wide circulation, inviting application for three posts viz., Clerk, Ticket Collector and Night Watchman. In the notification itself, it has been made clear that the candidatures already participated in the interview dated 17.05.2018, need not be applied afresh and their candidatures will be considered, during the course of interview.

6.In the light of the above facts, there is no reason to quash the notification issued by the fourth respondent. It is neither bear semblance of malafide or lack of authority. Hence, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.



7.The dismissal of this writ petition will not stand in the way of the fourth respondent, considering the candidature of the writ petitioner, who has applied and participated in the interview dated 17.05.2018, in pursuant to the earlier notification.

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/True Copy/

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS-III)

To

1.The Commissioner,
Hindu Religious & Charitable
Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious & Charitable
Endowment Department,
Madurai.

3.The Assistant Commissioner,
Arulmighu Jenaki Mariyamman Thirukovil,
Solavanthan, Vadipatti Taluk,
Madurai District.

• 1 CC TO Mr.G.Muthu Geethaiyan, ADVOCATE IN SR No.94550
+1 cc to Special Government Pleader, SR.No.94610.

NS

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