



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.6599 of 2017

and

WMP(MD)Nos.5186 &amp; 5187 of 2017 and

WMP(MD)No.9747 of 2017

M.Nandakumar

... Petitioner

Vs.

1.The Commissioner,  
M/s.Hindu Religious and  
Charitable Endowments,  
119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,  
Office of Joint Commissioner,  
M/s.Hindu Religious and Charitable  
Endowments, Trichy-16.

3.The Assistant Commissioner,  
Executive Officer,  
Arulmigu Kalyana Venkatramana  
Swami Thirukovil, Thanthondrimalai,  
Karur Taluk, Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the first respondent in Na.Ka.No.9125/2017/Z1 dated 30.03.2017 and consequently the impugned advertisement of the third respondent dated 07.04.2017 in the above Na.Ka.No.9125/2017/Z1 dated 30.03.2017 and quash the same and direct the first and third respondents to regularize the petitioner on time scale basis (Rs.5200-15900-2000) and to grant all consequential benefits and attendant benefits arising thereon at the third respondent's temple.

For Petitioner

: Mr.K.R.Laxman

For Respondents

: Mrs.S.Srimathy,

Special Government Pleader  
for R1 & R2

Mr.P.Athimoolapandian for R3

O R D E R

The writ petitioner is working as a Jeep Driver in the third respondent temple on daily wages basis. He got appointment in the



said capacity in the year 2010. It is beyond dispute that the writ petitioner did not get appointment as a Jeep Driver through a regular selection process. He appears to have been arbitrarily chosen. But, the fact remains that the first respondent ratified the same. But, at the time of ratification it was made clear that the writ petitioner will not be entitled to make any claim for regular appointment. The writ petitioner willingly accepted the said condition incorporated in the ratification order.

2.It is brought to the notice of this Court by the learned Special Government Pleader appearing for the respondents that the writ petitioner made a request for regularization. But, the same was denied. Even though the said request was denied, the writ petitioner did not choose to challenge the same in the manner known to law. The respondent temple has now notified the said post for being filled up through a regular recruitment process. It is this under challenge in this writ petition.

3.In matters relating to public employment, it is the right of every eligible candidates to take part in any recruitment process. Merely because the writ petitioner had served the third respondent temple for over seven years, he cannot stall such a regular recruitment process. As already pointed out, the request made by the writ petitioner was already rejected. The writ petitioner has failed to challenge the same.

4.There is no merit in this writ petition. This writ petition is dismissed. The writ petitioner is at liberty to take part in the said recruitment process and the writ petitioner is given time till 12.01.2018 to submit his application. The respondent shall consider the case of the writ petitioner along with other eligible candidates. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner, M/s.Hindu Religious and Charitable Endowments,

119, Uthamar Gandhi Salai, Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner, Office of Joint Commissioner,

M/s.Hindu Religious and Charitable Endowments, Trichy-16.

+One cc to The Special Government Pleader, SR.No.41539

+One cc to M/s.K.R.Laxman, Advocate, SR.No.41313

skm

RL/5C/2P/SKN/RSK/SAR1/24/1/2018

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