

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22112 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 2nd respondent in not considering the representation dated 17.6.2015 submitted by the petitioner seeking permission to continue him as Archaka in the 3rd respondent-temple, as arbitrary, illegal and consequently to direct the 2nd respondent to consider the case of the petitioner as Archaka in the 3rd respondent-temple.

It is the case of the petitioner that he was appointed as Archaka in the 3rd respondent-temple in the year 2007 and since then, he has been discharging his duties. However, from 2010 onwards, the 3rd respondent has not permitted the petitioner to attend his duties. Hence, he filed W.P.No.16611 of 2010 and this Court granted interim order on 14.7.2010 in W.P.M.P.No.20940 of 2010, directing the 3rd respondent to permit him to join duty as Archaka. In pursuance of the said direction, the 3rd respondent permitted the petitioner to attend his duties. While so, on 4.4.2011, as he suffered illness, he sent leave letter on 5.4.2011. The 3rd respondent issued a show cause notice on 29.6.2011, for which, the petitioner submitted his explanation. But, the 3rd respondent has not passed any orders thereon. Again, the petitioner filed W.P.No.29668 of 2011 and the same is pending. Meanwhile, the

petitioner approached the 2nd respondent and requested him to consider his case and permit him to attend his duties as Archaka in the temple. The 2nd respondent advised him to withdraw the said writ petitions and, then only his case would be considered. Accordingly, the petitioner has withdrawn the said two writ petitions filed by him and submitted a representation on 17.6.2015. In spite of the same, the petitioner was not permitted to discharge his duties. Hence, the present writ petition is filed.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court is of the considered view that ends of justice would be met, if the respondents are directed to consider the representation submitted by the petitioner on 17.6.2015.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation submitted by the petitioner on 17.6.2015 and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

2nd May, 2018

rkk