

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.10959 of 2011ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the action of respondents 2 to 5 in appointing the 7th respondent as Pradhana Archaka, as contrary to Rule 7 of the A.P. Charitable and Hindu Religious Institutions and Endowments Archakas and other Officeholders and servants Qualifications and Emoluments Rules, 2001 and violative of Articles 14 and 16 of the Constitution of India, and further direct the respondents 2 to 5 to promote the petitioner as Pradhana Archaka of the 5th respondent-temple, by setting aside the appointment of the 7th respondent, and also to regulate the duties of Archakas in the temple, by giving rotation system, by setting aside the orders issued by the 5th respondent dated 14.08.2010.

2. Heard Sri Meherchand Nori, the counsel for the petitioner, the Government Pleader for Endowments for respondents 1 to 4, Ms. K.Lalitha for the 5th respondent, Sri Sarvabhuma Rao for the 6th respondent and Sri Gurugopal for the 7th respondent.

3. It has been contended by the petitioner that he was appointed as an Archaka even before the 5th respondent-Temple was taken over by the Endowments Department. The Endowments Department had taken over the temple in the year 1982, and thereafter, once again, the petitioner was appointed as Archaka. The petitioner further submits that he is the senior-most Archaka and is fully eligible and qualified to be promoted to the post of Pradhana Archaka, but, the respondents had erroneously appointed the 7th respondent as Pradhana Archaka.

4. It has been further contended by the petitioner that the 7th respondent was initially appointed as Lalitha Parayanadar, which is not the feeder category for the post of Upa Pradhana Archaka. In spite of the same, the 7th respondent was promoted as Upa Pradhana Archaka. The petitioner further contends that the Regional Joint Commissioner of Endowments had categorically held that the 7th respondent is not entitled for promotion to the post of Upa Pradhana Archaka from the post of Lalitha Parayanadar, at the first instance, and contrary to the rules, the 7th respondent was subsequently promoted as Pradhana Archaka. It has been further contended by the petitioner that the 7th respondent, who is an unqualified person, is promoted as Pradhana Archaka, which is contrary to Rule 33 of G.O.Ms.No. 888, dated 08.12.2000 and also G.O.Ms.No. 261, dated 20.05.2002.

4. The counsel appearing for the 7th respondent had contended that the orders passed by the Regional Joint Commissioner of Endowments, wherein it was held that the 7th respondent is not eligible for promotion to the post of Upa Pradhana Archaka, at the first instance, and later, as Pradhana Archaka, were reversed by the Commissioner of Endowments, vide proceedings dated 21.04.2008, and thereafter, the 5th respondent has rightly promoted the 7th respondent as Pradhana Archaka, and no illegality has been committed by the respondents in promoting the 7th respondent as Pradhana Archaka.

5. The counsel appearing for the 5th respondent-temple contends that the only issue in this case is whether the 7th respondent was initially appointed as Lalitha Parayanadar and in the enquiry, if it is revealed that the 7th respondent was appointed as Lalitha Parayanadar, he is disqualified for being considered for promotion to the post of Upa Pradhana Archaka and also to the post of Pradhana Archaka.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to re-examine the entire issue after hearing the petitioner as well as the 7th respondent, taking into consideration the statutory rules, viz., A.P. Charitable and Hindu Religious Institutions and Endowments Archakas and other Officeholders and servants Qualifications and Emoluments Rules, 2001.

7. Accordingly, the writ petition is disposed of, directing the 2nd respondent to re-examine the entire issue after hearing the petitioner as well as the 7th respondent, taking into consideration the statutory rules, viz., A.P. Charitable and Hindu Religious Institutions and Endowments Archakas and other Officeholders and servants Qualifications and Emoluments Rules, 2001, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 30.10.2018
 Note: Issue cc in two days
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