



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.8823 of 2018

and

WMP (MD) Nos.8254, 11545 and 22438 of 2018

T.Mohan

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious Charitable Endowment Department,
Chennai - 34.

2.The Deputy Commissioner/Executive Officer,
Arulmighu Kallazhakar Thirukovil,
Azhagarkovil, Melur Taluk,
Madurai District.

3.The Thakkar/Chairman,
Arulmighu Kallazhakar Thirukovil,
Azhagarkovil, Melur Taluk,
Madurai District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in O.Mu.No.7652/2017/Z1/Dated 27/04/2017 passed by the 1st respondent as well as the impugned notification made in Na.Ka.No.1034/2017/A5 dated 25/03/2018 issued by the 2nd respondent published in Dinamalar daily news paper dated 31/03/2018 and quash the same and consequently direct the 1st respondent to absorb the petitioner into time scale of pay.

For Petitioner	: Mr.Sadiqraja
For R1	: Mrs.J.Padmavathy Devi Special Government Pleader
For R2	: Mr.V.R.Shanmuganathan Special Government Pleader
For R3	: Mr.S.Manohar

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 27.04.2017 as well as the impugned notification in Na.Ka.No.1034/2017/A5, dated 25.03.2018 issued by the second respondent and consequently directing the first respondent to absorb the petitioner into the time scale of pay.



2. After elaborate submissions, the learned counsel for the petitioner submitted that it would suffice if the petitioner is permitted to participate in the selection process, in case a fresh notification is issued in respect of appointment of Poojari and on such participation in the selection process, the experience and the service rendered by the petitioner may be directed to be considered by the respondents, for which, the learned Special Government Pleaders appearing for the respondents 1 and 2 as well as the learned counsel for the third respondent have no serious objection.

3. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this writ petition is disposed of, directing the respondents to publish a fresh notification, calling for the eligible persons to the post of "poojari" in which, the petitioner is entitled to participate and thereafter complete the selection process within a period of four weeks therefrom. It is made clear that the respondents, while processing the applications of the candidates, shall consider the petitioner's candidature, taking into account the service rendered by him so far and also looking upon the fact that in the earlier selection process, the petitioner had succeeded and got appointment and also served as a temporary poojari. No costs. Consequently, WMP(MD)Nos.8254, 11545 and 22438 of 2018 are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Commissioner,

Hindu Religious Charitable Endowment Department, Chennai - 34.

2. The Deputy Commissioner/Executive Officer,

Arulmighy Kallazhakar Thirukovil,

Azhagarkovil, Melur Taluk, Madurai District.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-57128[F] dated 27/03/2019)

+1 CC to M/s.S.MP.AMALAN, Advocate (SR-57575[F] dated 28/03/2019)

+1 CC to M/s.S.MANO HAR, Advocate (SR-57570[F] dated 28/03/2019)

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