

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19784 of 2010

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondent No.2 in passing the impugned order dated 21.01.2010, cancelling the appointment order dated 18.01.2010, by which, the petitioner was appointed as Archaka in Mallikarjunaswamy vari Temple, Komaravalli village of Cherial Mandal, Warangal District, as illegal, arbitrary, violative of principles of natural justice and contrary to the provisions under Section 34 of the Endowments Act and consequently set aside the same.

2. Heard both sides.

3. It has been contended by the petitioner that he was selected to the post of Archaka in Mallikarjunaswamy vari temple, Komaravalli village, however, the respondents have cancelled the appointment orders on the ground that a criminal case was pending against the petitioner. Counsel for petitioner contended that during the pendency of this writ petition, the petitioner was tried by competent criminal Court i.e. Additional Judicial First Class Magistrate, Jangaon in C.C.No.264 of 2010 and was acquitted vide judgment dated 18th December 2013 for the offences under Sections 457 and 380 of IPC. Counsel for petitioner contended that, now that the petitioner has been acquitted by the competent criminal Court, let the respondents consider the case of the petitioner and pass appropriate orders in accordance with law.

4. The Government Pleader appearing for respondents has contended that the petitioner has not brought to their notice about his acquittal in criminal case, and if the petitioner submits the application afresh staking his claim for appointment as Archaka, respondents would consider the same and pass appropriate orders in accordance with law.

5. 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 petitioner to submit representation afresh to the respondents within two weeks from the date of receipt of a copy of this order, staking his claim for appointment as Archaka in view of his acquittal by the competent criminal Court by judgment dated 18th December 2013, in C.C.No.264 of 2010, and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another Six weeks thereafter.

6. With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th November, 2019

ajr